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ABSTRACT

A special project, undertaken to furnish some of the hard facts on child labor in agriculture in the summer of 1970, resulted in publication of this report. Part I of the report discusses society's attitudes toward agricultural workers, laws about the use of children as industrial laborers, work activities (with definitions of work for the various crops), and migrant working and living conditions. Part II, composed entirely of excerpts from field reports, deals with health, education, wages, and working and living conditions in Washington, Oregon, Ohio, Maine, and California. Part III includes the project outline; an overview of child labor in agriculture; excerpts of the Fair Standards Act of 1938, as amended (1961 and 1966); excerpts of state labor laws from the states used in the study; and facts on child labor from the U.S. Department of Labor. (AN)

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CHILD LABOR IN AGRICULTURE
Summer 1970

A SPECIAL REPORT

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American Friends Service Committee
160 North 15th Street
Philadelphia, Pennsylvania 19102
January 1971

CHILD LABOR IN AGRICULTURE

A Project of the American Friends Service Committee

in cooperation with the

National Committee on the Education of Migrant Children

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TABLE OF CONTENTS

Page

PART I REPORT - CHILD LABOR IN AGRICULTURE 1

PART II EXCERPTS FROM FIELD TEAMS 21

- A. Washington 23
- B. Oregon 27
- C. Ohio 37
- D. Maine 43
- E. California 65

PART III APPENDICES 87

- A. Project Outline 87
- B. Excerpts, Fair Labor Standards Act of 1938, as amended (1961 and 1966) 95
- C. Excerpts, State Labor Laws - Washington, Oregon, Ohio, Maine, California 99
- D. U.S. Department of Labor, Wage and Hour Division, Workplace Standards Administration, Washington, D.C. Facts on Child Labor Findings in Agriculture, July 1, 1969 through June 30, 1970 109

PART I

CHILD LABOR IN AGRICULTURE

Blue Sky Sweatshops!

That's what some people say about kids picking in the fields.

Other people say... it's good for the kids; they get fresh air; exercise for their bodies; keeps them off the street; teaches them good work habits; teaches them the value of money.

Some people say that without kids in the fields, the crops wouldn't get harvested, and many farms would die.

Other people say that without the kids working in the fields, their family couldn't survive.

And some people say that working in the fields is dangerous; kids shouldn't do it; it retards children's physical, emotional and intellectual growth.

Whatever people say, children from the age of six work in the fields, harvesting the food we all eat. And children from infancy are too often just there, in the field, or sleeping in cars not too far away.

The use of children as industrial laborers was outlawed under the Fair Labor Standards Act of 1938. Yet, in 1970, one fourth of the farm wage workers in the United States are under 16 years of age.[1]

Except for a change in locale (the work is done outdoors) the child labor scene in 1970 is reminiscent of the sweatshop scene in 1938, if you look at that scene with an adult mind, through a child's eyes.

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[1] Hearings, Subcommittee on Migratory Labor, Comm. on Labor and Public Welfare, U.S. Senate, Vol. I, 1969.

In mid-summer of 1970, the American Friends Service Committee, in cooperation with the National Commission on the Education of Migrant Children, sent four teams of investigators into four states to take a look at the use of child labor in agriculture.

The teams worked in selected areas of Ohio, Maine, Oregon and Washington state. In addition, another team was at work in California. This last team was part of a different AFSC summer project, but they fed their findings into this report.

All five of these teams were instructed to attempt to document the incidence of child labor in agriculture; the conditions under which children work, and why they work. Their reports, after eight weeks of work, are admittedly neither comprehensive nor statistically significant as surveys, nor in all cases complete. But they are a record of first-hand observations, interviews, discussions, and provide documentary evidence of the child labor scene. (See Attachment I for the operating instructions used by the teams.)

This report will try to present an overview of what these five teams discovered. It will also include excerpts from their individual reports as a more focused look at the individual situations.

I. THE LAW

Many of the situations or incidents reported in the rest of this document are not in violation of any law. Agricultural laborers in general are either specifically exempted from or not covered by most federal legislation. Children who work in agriculture are, for the most part, exempted from child labor laws and are practically abandoned to the discretion or whim of whoever's farm they are working on.

According to the 1966 amendments to the Fair Labor Standards Act of 1938, oppressive child labor practices are prohibited and actionable. This broad statement is, elsewhere, spelled out in more detail for most occupations. Agriculture, however, comes under a special heading. Children working in agriculture, presumably, are covered only by this "special heading."

A child must be 16 years old, at a minimum, to be legally employed in agriculture while school is in session in the district where the child is living while so employed. As long as school is not in session where the child lives while he is working there is, under federal law, no minimum age.[1]

There are no federal regulations pertaining to the number of hours a child may work if he is working in agriculture.

If a child under 16 works in a field where everyone gets paid by the piece (piece rate), and if he gets the same rate as everyone else, then the child is not covered by minimum wage.

That is the entire legal control, at the federal level, of the use of child labor in agriculture. The term "oppressive" is nowhere closely defined. Working 10 hours in 100 degree heat for an average of $1.04 per hour is, apparently, not considered an oppressive situation for a boy of 10.

State laws, for the most part, are not much more protective:

> In Washington: The Women's and Minor's Act states that inadequate wages and unsanitary conditions have, by definition, a pernicious effect on the health and morals of women and children. However, agricultural work is exempted.
>
> In Oregon: Minors in non-hazardous occupations in agriculture are exempt from the state law. From the reports gathered for this study, it may be inferred that as long as minors do not operate machinery, they are not involved in hazardous work.
>
> In Maine: No one under 15 is covered by any laws if they are employed by, with, or under the supervision of their parents, even if school is

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[1] FFLSA--Amendment 1966, Sec. 12, Exemption 2.

in session. If school is in session the child must be excused by the local superintendent.

In Ohio: It would seem that all children are covered by the state child labor laws, but agriculture is not specifically mentioned, although the state law provides that persons under 21 must have a wage agreement with an employer. No one under 18 may work more than 8 hours a day or more than 48 hours in a calendar week, nor more than six days a week.

In California: This state appears to have very protective laws. Minors under 16 must have permits. Also, the contractor law states that a contractor may not accept an application for child employment, nor may he place or assist in placing a child in employment. As will be seen later, the problem in California seems to be enforcement of this law.

These are the laws in the states where AFSC teams operated. Other state laws are similar: in Indiana, farm labor is exempted from the minimum age requirements; in New Jersey, any child of 12 or older may work 60 hours a week, 10 hours a day; in Michigan, agriculture is simply exempted from all laws.

Even given the very broadly-worded laws, still there are legal violations. In 1969, the U.S. Department of Labor's Wage and Hour Division reported that of farms investigated, 487 farms had been found in violation of the FSLA. These violations (found during investigations held during July 1, 1968 and June 30, 1969) concerned employment of children under 16. Over 1,200 children were illegally employed, the majority of them under 13 years old.

(See Attachment II for digests of the federal and state child labor laws and the above-mentioned report.)

II. THE WORK

Unless you have worked at harvesting crops, it is not always clear what is meant by "picking." Both the California and the Maine teams included in their reports descriptions of what, exactly, is involved.

The California team reported:

> ". . . we will use the common distinction between 'stoop crops' and 'tree crops'. . .
>
> "In harvesting stoop crops, like strawberries, cucumbers, garlic, chili, and onions, the worker moves along the row on his knees or stooped over, back sharply bent. Pushing a little barrow or carrying a pail or sack, he picks the fruit off the ground plants until his pail or basket is full. Then he carries his container to the end of the row. . ."

Later they reported:

> "To get the fruit from the tree, the worker climbs a ladder (5-20 feet) and fills the sack he carries across his chest as quickly as possible . . ."

They added a third category . . . row crops:

> "Row crops, like berries and grapes, are the easiest to pick. The worker walks along the row picking fruit from bushes or vines, filling the crate he carries around his neck. . ."

In addition, the California team reported the various situations of the crops. For example, strawberries grow in long rows of three-inch-high plants. Prunes grow on trees and when ripe fall to the ground. Berries grow on bushes 4-6 feet high. They are picked off by hand. Cucumbers grow on long rows of vines along the ground. First, the worker pushes aside the vines, then picks the cucumbers. He fills a pail which then gets dumped into a bin.

The California team also reported the amount of money received, on an average, for picking these crops. A worker could expect to be paid 70¢ to $1.00 for a crate of strawberries; $15.00 a bin for cucumbers. At one farm, a worker could earn 12¢ a crate for berries. The crate of berries (about 12 pint boxes) would then be set on the roadside where it sold for 50¢ a box.

In Maine, the team worked in Aroostook county during the potato harvest. This is what they said about harvesting that crop:

> "You may stoop from the waist or crawl in some fashion on your hands and knees along the row, shaking potatoes off the vines and dropping them into your potato basket. . . It is primarily the lower back and

> thigh muscles that are used in picking and these become quite sore during the first few days of picking. . ."

> "Picking potatoes is difficult in anyone's book. I wasn't in shape for it, so I started picking on my knees the first day, afraid my back would get too sore if I bent over and picked. Even so, the small of my back ached and my legs were sore all over and my knees were raw by the end of the first day. The second day I picked bending over and had a terribly aching back by the end of the day. . ."

III. THE CONDITIONS

In every state where teams operated, children were working in the fields. Once in the fields, they worked under the same conditions that all other farm workers face. The only difference is that they are younger, less strong, less developed physically and emotionally than the older workers. In other words, they are children.

Other than the fact that children all over were working in the fields, each state, each crop, each field the teams observed presented different particulars.

A. Washington.

In the state of Washington, the team centered on Skagit, Whatcom, and Yakima counties, which are in the western part of the state. There are no commercial farms in the area; that is, there aren't the large, agri-business operations more common to the Southwest and California. These in Washington were family-owned farms.

The picking season runs from June to early September. The harvest is strawberries, raspberries, cucumbers and pole beans. In Skagit county, in July, an estimated 6,000 migrants work in the fields. It is also estimated that about 99% of all children of migrant families over the age of six work in the fields. One source estimated that 4,500 migrant children worked in the fields during June and July.[1]

In addition, an estimated 90-95% of the local children between 12 and 15 years of age work in the fields. Only approximately 10% of the local children of high school age work in the fields. Reportedly, these high school age children feel the work is too hard and the pay too low. Instead, they prefer to drive trucks and tractors and work laying the irrigation pipes.

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[1] Conversations, team member: Skagit County officials, July 17 and 18, 1970.

Generally, in summer, the temperatures, especially in the Yakima Valley, range from 90-100 degrees. The working day starts around 7 a.m. and ends about 4:30.

The Washington team reported that children under 15 picked while those over 15 carried the flats (12 boxes). The pay for picking ranged from 75¢ to $1.20 per flat.

From their observations of the fields and in talking with the pickers, the team reported that there were no hand washing facilities near the outhouses in many instances. And usually the only drinking water available was from a bare spigot, with no cup. Reportedly, DDT is still used in the berry fields.

There is some concern on the part of the growers for the children who work in the fields. Growers hire people to provide on-the-job supervision. Often these are local teachers. However, these are hired only to watch or supervise local children. The migrant workers are expected to supervise their own children, while they are working.

B. Oregon. From April to November, one crop or another is ready for harvest in Oregon. Strawberries come due for harvest from the end of June to early July. From the end of July until early August, pole beans are the harvest crop. During the two or three weeks between these two crops, workers move to areas where they might get work picking berries.

The Willamette Valley is the third largest user of migrant and seasonal farm labor, with migrants accounting for about 25,000 pickers out of the total seasonal farm work force. One five-county area (Polk, Marion, Clackmas, Yamhill, Washington and Multnomah counties) utilizes a total seasonal work force of 37,000 people.

One source interviewed by the Oregon team estimated that 75% of the entire seasonal force of laborers were children. As in Washington, almost all migrant children over the age of six work in the fields (98% est.). It is also estimated that between 50-70% of the local children work in the fields.

In Oregon, there are three categories of farm workers. There are migrants, settled-out migrants, and Anglo day-haulers. Settled-out migrants are simply those people who used to follow the migrant stream and have now settled in Oregon. Day-haulers are local people who ride buses or trucks each day to the fields and return to the towns and their homes each evening.

The Oregon team concentrated on the five-county area already mentioned. They reported that the day haulers are mostly white, middle-class junior high school children. In May, these children are recruited in the schools, often by a teacher who is a crew leader during the harvest season. Children 8-15 years of age are recruited. They work an eight-hour day, with a half hour off for lunch.

All picking in this area is done on piece rate. On an average, two adults could make a combined total of $45-50 a day. Strawberries were bringing 90¢ a flat, and pole beans were set at 3¢ a pound for the pickers.

The Oregon team went into some of the camps and farm worker housing. They talked with the children and with whatever adults were around.

In one area they talked with an Anglo woman farm worker whose husband worked regularly in a lumber yard. She was picking beans with her children, the money earned to go for school clothes and supplies. They worked varying hours, depending on how they felt, how hot the day was, etc. In one three-hour period, the children had picked a total of 160 pounds of beans. Kathy, age 10, had picked 64 pounds; Henry, 8, had picked 53 pounds; and Tina and Carla 7 and 5 respectively, had together picked 43 pounds. At 3¢ per pound, that works out to $4.80 for the three hours worked; or 40¢ per hour per child. (The place where the family lived had been condemned some time ago, but had recently been opened for seasonal farm worker families.)

In another camp, run by a grower, the team talked to a young girl. She was staying home that day. But her brothers, who were 12, 10 and 8, were in the fields picking blackberries. The girl originally came from Texas, but she was only there six months out of the year, at most. The rest of the time she and her brothers followed the crops with their parents. This girl, a fourth grader, while talking with a member of the team, said that she was a migrant. When asked what that meant, she said, ". . . you get more pencils and paper and are put in a special room with other migrants." She was referring to the school she attended in Texas.

A 12 year old girl at another camp said that she had picked 11 flats of strawberries in one day. Her family had come up from Fresno, California. She said that she was sorry that she had to miss school. By the time she got back to Fresno, school would already have been in session for two months. She said that she had left Fresno before the school term had finished.

A young woman of 21 recalled that she had quit school in the fourth grade. She said that while she was still attending school she had cut classes on Fridays so that she could help her family pick.

Local children in Oregon are encouraged to seek work in the fields. Not only are they recruited in local schools, but poorer families are encouraged to have their youngest children pick crops because of the way the welfare system operates.

For example, the system in Marion county was explained to the team by a local welfare official. The welfare grant is reduced during the harvest season. Then, using a formula, the welfare department discounts X-amount from the initial grant, and deducts a percentage of the gross reported income during the harvest season from the rest of the grant. However, only income from family members over 16 is counted towards the amount deducted from the grant. Thus, the more children under 16 in a family who work in the fields, the more money the family can keep.

In Oregon, the team explored the possibilities of special education for migrant children. There are programs for children in Salem, Woodburn and Independence, Oregon. However, in order to leave their children at these centers, the parents, if they were migrants living in the camps, would need transportation, and would need to spend about an hour and a half driving to the centers. That would be time lost from picking. The centers are much more convenient to those settled-out families who could drop their children off on their way to the fields.

While the Oregon team was at work, they found a group of students working in Turner, Oregon. These students were with the Baptist Student Union. They had seen the need for day care centers to be located in the labor camps and had found what they felt was a good building in one of the camps.

However, none of the buildings in the camp, which is considered one of the nicest in the area, could qualify for a day care center under the state regulation. Yet, while none of the buildings were considered sound enough for a day care center, these were the buildings where families and their children lived.

One official stated that about 1,500 children attended the summer migrant education programs in the area. Not all those children showed up every day, of course.

And many of the children are from settled-out families. Such families are legally considered migrants for five years after they settle out of the stream.

The State Board of Education's Migrant Division estimates that there are 8,115 children of migrants in the state, and about 3,700 take part in the migrant education program.

The Oregon team was not able to make any judgments about the kinds of schooling available to the children of farm workers during the summer. However, they noted that, of the three major ethnic groups involved in the work, Anglo, Mexican-American, and Russian, only one group was represented among the teachers: Anglo (white, middle-class). They felt there was some beginning response to the Mexican-Americans, but none for the Russians.

C. Ohio. Each year, some 30,000 migrants come to Ohio. While the state child labor law does not specifically mention agriculture, and while the child labor law is detailed and specific as to ages and hours, there is also a clause which states that the presence of a child in an establishment during working hours is prima facie evidence of employment. Technically, this would mean that each child in a field must be paid, must not work more than eight hours a day, and must be covered by time records. There is little evidence that anyone adheres to such a technical interpretation.

The Ohio team approached the state employment office in an attempt to obtain a list of growers in Putnam and Hancock counties. They explained their intent to study the child labor situation. This was one of the first roadblocks they encountered. The employment office wanted, first, to write each grower to get his permission to give out his name and address and the locations of the fields to the team. The Ohio team never did get the information they had requested from the state employment office.

Eventually, they did get addresses of the fields from other sources. And they did locate these fields. In addition to Putnam and Hancock counties, they also worked in Henry and Wood counties.

In a period of less than a week, the team observed many children in the sugar beet and "pickle" fields.[1] Their log details the following:

H... farm - six children under 16
A... farm - seven children between 3 and 16
F... farm - five children between 3 and 15
Putnam county - twenty children between 3 and 15

Their list goes on. These observations were made at a time when the peak of the season had not yet started. The full migrant stream had not yet entered the area.

At the time the team began their survey, they first approached those people who, in one way or another, serviced the farm workers . . . employment service, health service, etc.

These people painted a picture which later turned out to be completely false. For example, the team members were told they would have great difficulty learning anything because they didn't speak Spanish; that the pickers would be suspicious of anyone asking questions; that farmers would forcefully bar them from their camps. Finding later that all these words of warning were, for them, without foundation, the team surmised that the "establishment" wanted only to frighten them and keep them away from the camps and the pickers.

The other difficulties the team encountered are common to anyone trying to survey the farm labor scene. It was almost impossible to determine how much any one person was paid for his work.

For example, at one farm a worker explained that each family is assigned a section of

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[1] Cucumbers

"pickles." The "pickles" are gathered and then graded by size. They then go to market and are sold at the exchange. The family gets half the amount that their share brought in. The amount is paid to the head of the family by the crew leader.

At the camps, the team again found very common conditions. In a Wood county camp they found: two babies under one year old being cared for by two small girls aged eight; three children under five playing in the yard; a seven-month-old child playing with a sharp-edged tin can; broken glass on the ground; no screens on the windows.

D. Maine. Fall is potato harvest time in Aroostook county, Maine. Upwards of 21,000 workers are needed there to man machinery and to do the stoop labor necessary to bring in the potato crop. The six to seven thousand local adults who work seasonally are augmented by some 15,000 school children and by North American Indians and French Canadians.

Some 65% of the crop in the county is harvested by machine. Yet, those farmers who cannot afford the machinery are, they believe, faced with an inadequate labor supply, despite the fact that most schools in the county recess from mid-September to the end of the harvest.

As elsewhere, it is difficult to get exact figures. In Aroostook county the number of local school children participating in the harvest each year is estimated by adding up the total enrollment in junior and senior high schools in the county. This is certainly an inexact figure, even given that a formula is used to arrive at the final figure. In addition to not being sure how many junior and senior high school students actually do work in the fields, there are elementary school students, also released from school, who are not figured in at all as far as we can determine.

In 1969, the estimated number of school children who helped harvest potatoes, determined by the above-mentioned procedure, ranged from 14,500 to 15,400.

Another group which adds to the total number of children at work is the North American Indians who come into the county from Canada. Since these Indians are considered international citizens, there is no record of their numbers. The estimate is that 700 Indians, including children whom officials feel will probably be working, came to Aroostook in 1969. The team in Maine observed 224 Indians at work in the county, of which 84 were under 16.

Finally, children accompany their parents who come from other parts of the county. Again, no one knows for certain how many such families, mainly French-Americans, come to the harvest area. The Canadians who are recruited and bonded are usually men who do not bring any family they may have.

The Maine team worked among these different groups. One family they observed included seven children, of whom six worked in the fields. Their average day began at 5:15 with breakfast. In the field by 6, they worked to 5 p.m., with a one hour break for lunch. On one day, these children brought in 200 barrels of potatoes; Donna, 10, picked 15 barrels; Sharon, 11, picked 25 barrels; Linda, 12, dug 25 barrels; Diane, 13, dug 35 barrels; Mary Anne, 14, dug 40 barrels; and Mike, 16, dug 60 barrels. This was a family of French-Americans from up-county.

Everyone gets the piece rate of 30¢ per barrel. This means you have to pick 45 barrels a day to gross at least $70 for a five-day week.

The housing for migrant families is wooden, often lacking indoor plumbing or running water. Some of the structures are new and some are old shacks. This housing is pretty much the same for all except the bonded Canadians. As yet, Maine has no state housing code. But the housing for bonded Canadian workers, who are recruited by the Maine Employment Security Commission, must meet certain standards, including inside running water.

If a family is staying in migrant housing, everyone, children included, rides in the back of trucks. One truck the Maine team observed had siding that leaned outward badly and was held close to the truck by three pieces of rope about the thickness of clothesline. The year before, the siding had collapsed outwardly and the children had fallen out onto the road. At the field, there were no sanitation facilities at all.

At present, approximately 35% of the county's potato acreage is hand harvested by crews composed mostly of children. Most of the small farmers interviewed in Aroostook county who depended on hand crews expressed the belief that they could not get the harvest in without the children. They believe they would go out of business without child labor.

There are 18 school districts in Aroostook county. The Maine team located 15 individual schools which are now staying open during the harvest. They also reported a growing feeling that elementary schools should stay open, while junior and senior high schools would continue to close.

In Maine, perhaps more obviously than in other states the teams surveyed, children who work in the fields miss school. For local children, of course, the school year is scheduled around the harvest. This, at least, is education in pieces. Children who come from other parts of the country or state were simply missing school, which for them may well have been in session. The Maine team came across some families from Connecticut, and these children were missing school in that state. Some Canadian children our team talked with were also missing school.

Even under federal law, none of this is illegal. The schools in the area where the children were living while working were not in session.

Most of the Indian children the team met were also missing school. There was a report that one of the reserves allowed children to be absent for two weeks if they were earning money for clothes.

E. California. The team in California studied 229 children working in agriculture in six California counties (Fresno, Monterey, San Benito, Santa Clara, Sonoma and Sutter-Yuba), and thirteen cities. They summarized their findings as follows:

> 1. The average hourly wage for children working in agriculture is $1.12; the average hourly wage for children working according to piece-rate is $1.04. . . .
> 2. 27.5% of the children in (our) sample are working without social security cards. . . This finding alone represents a total of 63 violations. . . .
> 3. 19% of the farms surveyed failed to provide adequate toilet facilities. . . .
> 4. 34% of the farms surveyed failed to provide adequate hand-washing facilities. . . .

According to the California team, the main problem in that state is lack of enforcement of existing laws. They found that the Division of Industrial Welfare has forty-four men assigned to enforcement. These forty-four people are responsible for 3,000,000 workers and 400,000 industrial and agricultural employers.

There are approximately 400,000 farm workers in California, of which a quarter are minors. Agricultural work is the third highest disabling work injury industry and is the highest occupational disease rate industry. Still, 100,000 children in California work in the fields.

In the counties where the California team operated, temperatures ranged from 80-105 degrees. Farm work generally begins around 5 or 6 a.m. and ends by mid-afternoon.

Still, 17% of the children in the California team survey worked more than eight hours per day. And, although it is illegal to employ minors under 12 years of age in California, 19% of the California sample were below that age.

IV. WHAT DOES IT ALL MEAN

As was stated earlier in this report, most of the conditions and situations cited here are in violation of no law. Of the actual violations, many are of state law, some are of federal law, but most of these situations are technically legal. This report is meant to be evocative and indicative, not comprehensive.

Given that limitation, there are points which become rather obvious in regard to the use of child labor in agriculture.

First, no one knows how many children are working in the fields. Officials at all levels use estimates, or simply do not count any child below a certain age. Earning reports are unreliable because of the practice of paying families, rather than individuals; or the practice of putting more than one person on a social security card.

Another obvious point would appear to be that children live and work under the same conditions as adults in the field of farm labor. But the conditions are not the same. These are children--human beings who are still developing physically, emotionally, intellectually. Equal pay for children and adults does not mean equal compensation. The child, in many ways, sacrifices his future to a much greater degree and can, perhaps, never fully be compensated.

We have described the stooping and crawling in intense heat for eight to ten hours a day. We have described the unsanitary conditions of both fields and housing quarters. We have cited cases where children are in fact missing school.

It should be intolerable for a sizeable segment of a major industry to depend on child labor for its survival. In America, in 1970, it is not only tolerated, it is encouraged.

The ideal and most equitable solution would be a combination of a guaranteed adequate income for all Americans, and inclusion of all farm labor in all labor legislation. This combination would reach both the small farmers who cannot afford either mechanization or minimum wage expenses, and the farm laborer who would no longer have to depend on the extra income from his children.

At the very least, children in agricultural work should be covered by the laws which pertain to all children who work in hazardous industries.

Even a revision of the current law to set specifically the months and times when a child under sixteen may not work would be beneficial. As we have shown, with the current law providing only for the school hours of the area of harvest, too many children are legally out of school. And in the area of harvest school officials rarely take the time to assure that out-of-the-area children are not missing school in their home districts.

The real key to protecting children in all areas of work is enforcement. A policy of affirmative compliance with both the letter and spirit of the law must be initiated. Officials cannot rely solely on complaints, or estimates, or newspaper reports.

In the most recent report on child labor in agriculture (July 1, 1969 through June 30, 1970) the United States Department of Labor's Wage and Hour Division stated there were 498 farms found in violation of the Fair Labor Standards Act, an increase over the previous year. Further, they found 1,472 children under 16 illegally employed, the majority during school hours. These figures cannot be an accurate picture of the child labor in agriculture scene. They reflect at best minimal allowable adherence to the law. Government figures appear to be based only upon official complaints. Our teams in Maine and California working in a total of seven counties for a period of one month found nearly this many children who were under sixteen and who were in fact missing school. In the other three states, the same situation was true. Children of migrant families were not in school, children from other counties were missing a few weeks at either end of the school year.

The fact is that the poverty of farm labor families is such that they feel forced to use the labor of their children to increase family income. Even with whole families working in the fields, few farm labor families have an income above the poverty level. Nationally the median income for farm labor families is below the poverty level. As long as farm workers are not covered by the same legislation as industrial workers, especially as such legislation relates to children, the farm labor supply will be increased by the employment of these children. As a consequence, wages for all farm labor will remain low.

There are those who argue that it is good for children to work as farm laborers. Among members of the medical and health professions in this country there exists a good deal of knowledge relating to the physical, psychological, mental and social effects of such work on the life and future prospects of such children. This knowledge needs to be collected, published and made available to all concerned. It should be in the hands of Congressmen, State Legislators, members of migrant commissions, parents, employers and members of school boards.

Agriculture is the third most hazardous industry in America.

Children should not be allowed to work in agriculture.

PART II

EXCERPTS FROM FIELD TEAMS

This section will be entirely composed of excerpts from the field reports which were turned in by the five teams. In some instances, a comprehensive report in addition to daily logs was sent in. We are reprinting these reports, without using full names of families or farmers, in the interests of providing a focused look at the individual situations faced by children and adults who work in harvesting the crops.

A. WASHINGTON. The following are excerpts from the field reports of the team which operated in Whatcom, Skagit and Yakima counties of Washington between July 6 and August 20, 1970.

There is no question that there is an extensive child labor problem in the Yakima Valley. Everyone we talked to, be he grower, educator, farm-worker, or minister acknowledged that large numbers of children do field labor. Children begin working in the fields at the earliest age that they can handle the work. In some cases, children start field work at the age of six, and by 12 a clear majority of farm-workers' children are themselves engaged in field labor.

Where day-care facilities are not either available or accessible, children are brought to the fields, and remain in cars or are taken into the fields by their mothers. It is almost impossible to give accurate statistical data showing how extensive child labor is here. There is no group that collects statistics, nor is there any central employment agency where all migrants register.

Child Health

The migrant health situation as that of other poverty groups is critical. The average life expectancy of an Anglo migrant in Washington is about 65 years. A child born to a migrant Mexican-American family in Washington has a life expectancy of about 38 years, and a third of the children die at birth.[1]

The health problems of migrants arise from many factors, such as poor housing, unsanitary facilities, unsafe working conditions in the fields, lack of a proper diet, and, more than anything else, lack of proper medical treatment, both preventative, and remedial.

The only statistics available on migrant health are those of the Health Department. The Yakima Valley Health Department has a Migrant Health Program. The goal of the program was to screen each migrant family and provide each family with service on an individual basis. Yet they fail to make contact with more than ten percent of the migrant population. Dr. B.M., a Seattle physician has been in the Valley helping to set up a farm-worker controlled medical clinic. This is a first in that the board of the clinic will be made up only of farm workers. Dr. M. has told me that the health department nowhere begins to fulfill the health needs of the migrants, and that this clinic will be able to bring more and better services to the migrant.

There seem to be four major factors that have to be taken into consideration when providing medical care for migrant children.

These are:
1. accessibility
2. acceptability
3. perception
4. motivation

Accessibility means that a medical facility must be open at the time that it is needed and in an area where it can be reached by the migrant workers. Acceptability means that the migrant feels welcome or comfortable when requesting services from the facility. Perception deals with the individual's ability to define his problem as being medical and curable. He must sense, for example, that his case of tuberculosis is a medical problem, and not just another part of his tragic life over which he has no control. Above all this he must have the motivation to seek out the necessary services. He must believe that doctors really can solve the problems, and that there is some hope for his cure.

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[1] The Expected People, The Migrant Workers in Washington State, Chambers, T. J., M.D., Washington State Council of Churches, 1969, p. 16.

Most of the attempts at solving the health problems of the migrants have failed in one or more of these categories. The Yakima Valley Health Department is largely seen as unacceptable and a relatively inaccessible agency. The solution, we believe, will come both in the type of clinic that is now being set up by Dr. M. and hopefully the future use of mobile health-care units.

Children who work in the fields invariably have health problems. Eight to twelve-hour work days in the ninety to one hundred degree Yakima Valley heat do little to improve a child's health. The number of actual deaths or severe injuries due to pesticides seems to be rather few and well covered up, yet this is only the short-term effect of continual exposure to pesticides. The long-term effects are almost impossible to predict, yet we are convinced that pesticides are a major factor in the low life expectancy and general poor health conditions of migrants. The growers refuse to recognize the harmful side-effects of pesticides. They feel that all the talk about the dangers of pesticides is just so much mumbo-jumbo.

The lack of proper dental care seems to be particularly severe. Poor and understaffed facilities nowhere meet the dental needs of migrants.

Another gap in health care comes in the area of hospitalization coverage. Hospitalization bills are paid by the Department of Public Assistance but especially during the harvesting season most migrants are not on public assistance and therefore are left without any hospital coverage whatsoever.

Education

The most obvious problem with child labor and education is that children often work in the fields rather than going to school. The local school system is largely unresponsive to the needs of migrant children. The teachers are almost all white and, as a matter of fact, we spent a large amount of time trying to find a Chicano teacher in the Valley, and so far we have encountered only one. The teachers have no real conception of what the life-style of the migrants is, or of their needs. Many teachers also seem to share in the general racism of the community, which looks down on Chicanos. A number of attempts are being made at improving the situation. One of the best of these is the Center for the Study of Migrant and Indian Culture, a Title I project that is run by highly-committed people. The Center in Toppenish provides workshops in migrant and Indian culture to teachers in the Valley, and attempts to teach them something about the culture of a large number of their students. The program seems to be particularly successful and after initial hesitation it seems to be attracting a good number of teachers who, by the way, are often quite surprised about the extent and depth of migrant and Indian culture. Another fine program that we spent several days with in Sunnyside was a summer program for migrant children in the first through the sixth grades. The program consisted of an integrated kinesthetics approach to improve reading. The program included many necessary services such as complete physical and dental examinations of all students and follow-up in all cases that were necessary and a hot-lunch program. The program employed numerous Chicano aides, on the average of two to each class, many of these aides being migrants themselves. A serious effort was made to start these aides on the road to becoming teachers. The program though is continually having problems with its funding and the number of students enrolled this year was limited to 180. The migrant students enjoy the program and the local pool provides them with an hour of free swimming every day. This is probably the best all-around program for migrant children that we encountered. There does seem to be a problem in recruiting the children of the migrants who travel the main migrant stream as opposed to those that have established residency in Sunnyside. Most of the children were residents of Sunnyside. The residents of the community were more informed about the programs available within the various communities, and it seems somewhat of an impossible task to inform the non-resident migrant of the available programs.

The statewide statistics for Washington (compiled in 1966) are rather grim. The average migrant child attended only 21 weeks out of 36 weeks of school. Mexican-American children attend school on the average of only 17 weeks, less than half of the school year. Nearly 10 percent of the migrant children under ten years of age and more than half of the boys between ten and fifteen years old worked in agriculture. Median years of education for adults in the state of Washington was 12.1 years, but only 10.0 years for Anglo migrants and 5.4 for Mexican-American migrants and 4.2 for Mexican-American heads of families who came to Washington from elsewhere and settled out of the migrant stream.[1]

Most of the resident migrants in the Yakima Valley are Chicanos. Many of the children now in school are third-generation migrants, and speak fluent English. Although they tend to be behind in basic skills, such as reading and writing, language does not seem to be the problem that it used to be. There are numerous child day-care centers in the Valley and a few programs for migrant children in grades one through six. After that, there seems to be an enormous gap in programs aimed at either keeping the migrant child in school or improving his skills. It is rather difficult to obtain statistics on the dropout rate of migrant children, partly due to the reluctance of local school boards to release the information, and partly because one does not really know if the child has dropped out of school or merely transferred to another school. Increasing numbers of migrants are settling out of the migrant stream and establishing a permanent residency in the Valley. This has resulted in an increasing number of migrant children remaining in school to graduate, yet attendance still remains a major problem for when the crops come in, the children go to work in the fields.

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1. The Expected People, op. cit., p. 3.

B. OREGON. The following are excerpts from the field reports of the team which operated in the Willamette Valley area of Oregon from July 6 to August 20, 1970.

The Migrant Workers

The Willamette River snakes its way from the Columbia River through the Mid-Willamette Valley area. This area laced by the River, is one of the nation's richest agricultural areas, and during peak season, the nation's third largest user of migrant and seasonal farm labor. It is estimated that between 20,000 and 30,000 migrant workers come into the valley.

In Marion, Polk, Clackmas, Yamhill, Washington, and Multnomah Counties the influx of approximately 25,000 migrant laborers swells the seasonal labor force to nearly 37,000. In the five county area (Marion, Polk, Yamhill, Washington, Multnomah) more than 10,000 people have settled out and join the seasonal farm labor forces. To this we can add the day-haulers, for the most part Anglo middle class junior high school kids, and the figure continues to rise.

It is estimated that about 75% of the seasonal labor force is children. The average family size for a Mexican-American family is 6.7. It is conceivable that for every pair of adults in the field there could be 6 or 7 children. This figure would also hold true for the majority of the Anglo and Russian seasonal farm workers in this area.

The Valley is very productive: strawberries, cane berries (loganberries, marion berries, boysenberries, evergreen berries), pole beans, bush beans, hops, cucumbers, onions, etc., prosper in the Valley. Bush beans and hops are mechanically harvested. Bush beans are presently being purchased by only one cannery as their quality is not that of pole beans. Many pole bean growers anticipate going to bush beans, thus eliminating the need for hand labor. The remaining ground and pole crops are harvested by hand and lend themselves to family picking. Families are actively recruited and contracted to work in this area because children can pick most of the season and most of the crops. In 1970 strawberries and cane berries were 90¢ a flat (12 boxes) and pole beans were 3¢/lb. Twenty years ago, pole beans were 2½¢/lb. They have been 3¢/lb. for the past three years. Nearly all the growers work on the bonus system and where the grower houses workers in his own cabins, the threat of having your bonus cancelled if you quit before the end of the summer is standard practice.

Families begin to move into the area in June and strawberries are ready at the end of June or early July. If the crop is good enough to get four pickings, work may last through July. At the end of July or the first week of August the pole beans usually begin; first pickings are not the best, however. By the second week of August work in beans is usually available. There are two or three weeks between strawberries and beans. Often families will be without work during this time. I talked with several ladies whose husbands had gone to look for cane berry work, as the money had run out and they needed food. In the instance just mentioned one or two adults in the family would be fortunate to find work in berries until the beans began.

Work is available in field jobs such as hoeing, stringing hops, irrigating, setting onions, stringing poles for beans and tractor work. The majority of these jobs are paid on the hourly basis and employ children 16 and older, or adults. A grower may choose to pay piece rate as in the case of Johnny. Johnny worked as an irrigator. He was paid 10¢ a pipe, and he mentioned that he could make $200 a week irrigating. A job of this kind could last as long as six months. On a farm of 150 acres a farmer may employ three or four men to irrigate and to do other routine jobs. A very small percentage of the available labor supply is absorbed in jobs aside from picking.

The Willamette Valley also produces cherries, pears, peaches, plums, walnuts, and filberts. These tree crops employ fewer young children than the field crops. We did not come across any incidences of children being discouraged from this work. It seems that parents make the choices here.

The seasonal farm labor force in this area can be divided into three groups: settled-out families, migrant families, and Anglo day-haulers. The opportunities for employment in industry or business are very limited for young people here. Agriculture is the largest industry. If you are over 16 and can obtain a work permit, a job in a cannery is a possibility, but high unemployment in recent months has further limited industrial jobs for teenagers. Field work is a way of life for Anglo young people in this area. While eating lunch next door we would hear women talking about sending their children out to work, and often they would join the kids on Saturday. Contracting is done in the high schools in May and often teachers will be crew leaders for the summer. These Anglo middle-class kids are anywhere from 8-15 years old.

Field conditions were not considered bad. There were privies and the kids took soda, etc., in a sack for lunch. One half hour was given for lunch and the bus would return them after eight hours in the field. Farmers seemed to be very conscious of the eight hour day and of the conditions under which the kids work.

To a middle-class child money earned in the field means school clothes, gas money, a movie or supplements to an allowance. The atmosphere surrounding a field being picked by Anglo day-haulers is sprinkled with laughs and punctuated with radio blasts. To a migrant child working in the field, the money he earns is thrown in with the family picking and that becomes life.

The settled-out family heads for the fields during the summer months. Some families depend on this as their sole source of income, others have family heads employed year around.

While talking with C., I learned that she and her husband had settled-out in 1969, moving from Bakersfield, California. J. is now working in Turner at a lumber yard and she and her four children pick. On August 6, 1970 the family picked 300 lbs. of beans in three hours, beginning at 7:30 a.m. in the morning. They usually work until one or two in the afternoon. J. had come to see the family in the field and the kids lost interest in picking so the family returned home. That day:

Kathy	- age 10	picked 64 lbs.
Henry	- age 8	picked 53 lbs.
Tina	- age 7	picked 43 lbs.
Carla	- age 5	

J. does not like his family working in the fields, but C. doesn't mind the work and the money she and the children earn makes it possible to buy school clothes and supplies without having to dip into J.'s wages. "I want my kids to know how to work. Well, if we stayed home all they'd do is fight all day."

J. and C. live in T. Cabins in Jefferson. The rent is $70. for three rooms and a bath. Their apartment--actually old converted motel units--is the only one with the shower and commode in the same room. The other units have the toilet in the bedroom, some have partitions separating it from the main bedroom, some not. Units with larger rooms rent for $80/mo., utilities furnished. The outside of the cabins are in varying states of disrepair; windows broken, glass scattered on the narrow sidewalks, holes in the siding of the cabins, doors that will not lock, and numerous boarded-up windows. These premises were condemned several years ago but are now open to seasonal farm working families. It is an advantage to live here in that you can pay weekly and thus are free to move.

One day we visited the L.R. Camp where we met Maria and Sonia. Both their families leave here after beans and return for school. "I'm a migrant," Maria said. I questioned what a migrant meant: "Oh, it just means that you get more pencils and paper and are put in a special room with other migrants."

There are seven children in Sonia's family; her eldest brother stayed in Texas this summer. The entire family is in one cabin, but Sonia, pointing to the new cabins being constructed, mentioned that they were going to get one of the new cabins when they were completed. Some days Sonia and Maria went with their families to the fields, Maria nearly every day. When they did go the younger children were taken along, sometimes left in the car and sometimes taken into the fields.

The Labor Department had just inspected an old camp near L.R.'s and threatened to close the camp on short notice if it was not brought up to Department regulations. The old camp is deplorable. The cabins up on the hill had dug and set up their own latrine because it was about half a mile to the toilet facilities. For a period of time early in the summer the showers were not working and there were no clothes washing facilities available. The cabins were unpainted, small, had holes in the siding, floors with cracks as much as an inch between the boards. The one window in each cabin had no screen. All the conditions that would aptly satisfy the stereotyped migrant housing were visible.

Margarita lives in this camp. She is 21 and together with three brothers and a sister, her family had just arrived from Montana; the family had previously lived in Texas. Margarita, an articulate and intelligent girl, told me of quitting school in the fourth grade so she could help the family in the fields. While in school she would miss every Friday to pick, yet she kept up with her school work and enjoyed school very much. Two of Margarita's brothers had also quit school and were in the stream. She told of teaching herself to read and write Spanish and she proudly read aloud a paper announcing a Chicano meeting.

Margarita had once had a job in her home town in Texas. On being interviewed for the job she had been questioned about her schooling. "Fourth grade," she replied. The employer was impressed by her score on the test given and by her presence. She was hired and enjoyed the work, especially being able to use her English and working with math. She had quit to work in the fields. In April, before coming north, she had run into her former employer and he asked her to come back to work. She was sorry at not being able to say yes to him. She did not like the idea of quitting, but felt she had an obligation to her family.

Does Margarita like working in the fields? No, but she, like the other children I talked with, takes the field as a part of life. The cultural patterns have great influence on the child labor question. Margarita was and still is culture bound.

In every instance of talking with people, the conclusions were much the same. The children do not like the work, they are exposed to the elements, their play activities are limited, their school often interrupted, and they are responsible for many chores at home besides the work in the fields--exactly the same facts that numerous other studies have revealed. Nothing will change unless more effort is spent on acting to correct the abuses and less on researching and reporting.

A child realizes his responsibility at an early age if he grows up in a migrant or seasonal farm working family. He picks from an early age and by the time he is 12 he is a skilled laborer and can make good money during the season. If society and its institutions like the schools are not meeting this child's needs he can make survival money by joining the stream and the cycle of being a migrant begins. It is a cycle that will take more concerted and sincere efforts on the part of segments of the society to break.

Health

The State Department of Health does not have mental health facilities for migrant workers. If serious mental health problems are diagnosed at one of the federally financed Migrant Health Clinics, further treatment is usually done. In McMinnville there is a privately run mental health clinic serving the seasonal farm laborers. The Marion County Migrant Health Clinic is in Stayton. The clinic is funded through the Migrant Health Act and the funds are given to the county to do with what they choose. At the Stayton Clinic two medical students work with this program during the summer. There were also several medical students being paid by Public Health. These students were in charge of preliminary examinations. A group of 20 doctors from the surrounding area worked on a rotating schedule. If needed the patient was then sent to one of the doctors on duty. The signs in the clinic were in Spanish and the students working there were given basic Spanish courses before they began to work. The openness and concern shown by the students was impressive and the facility seemed well equipped and used. As many as 200 people had been seen in one evening. The clinic hours were from 5 p.m. to 9 p.m., but usually closing was not until the last person had been seen. For as many people as were treated here the Clinic was doing a good job, but many workers and growers did not know of the services available. As in so many programs, the location made it difficult for people without cars or trucks to get to the medical help. However, the Stayton Clinic was more centrally located than other programs in the large metropolitan centers.

Knowledge about the clinic was limited. In each camp visited, signs (in English) were posted. These signs announced the hours of the clinic and the dates for dental examinations. In about 65% of the camps the clinic hours were posted. The visiting nurse was to advertise the services available through the County office and through the Migrant Clinic. None of the people with whom we talked remembered a visit from a County health person or the nurse. Many growers are not aware of the services available; consequently when a worker becomes ill or is injured, he may be sent by the grower or someone else to a private physician. There are many good programs available, but far too few people are informed of the programs and of the services. Also true is the fact that many workers do not tell the grower of an illness and take the sick child or person to the hospital on their own. There was such a case at the camp on July 13, 1970.

Education

The lack of information about summer schools and day-care facilities in this area is understandable. There are no summer programs or day-care centers in the vicinity. Young children are either taken to the field or left in camp with a child or non-working adult. There are strong family patterns that keep families working together in the fields. Especially in the Mexican-American family, the mother or father will find good beans for their kids to pick and will motivate and encourage the kids to work--everyone works as a unit. As a family unit, work is made more pleasant for the children.

No one, parent or child, knew of available summer programs which operated in Salem, Woodburn, Independence, and other large towns in the area. Taking a child to these programs may require as much as 1½ hours of driving time, and when your income is earned in the field, that hour is many precious pounds of beans. It is very unrealistic to think that a parent, providing he had the transportation, would take work time to deliver a child to day-care or summer school. If the summer school programs are for elementary kids, they would have to be very accessible to warrant a child's attendance there rather than in the field working.

Mothers we talked with would like day-care centers to be available. A group of 10 Baptist Student Union volunteers were living and working at the B. camp in Turner. This camp is one of the nicest in the area. Shortly after arriving and after working for a few weeks they realized the need for a child-care/day care center at the camp. The students thought that the large building provided for meetings would be adequate for such a center. They called the State Board of Health and asked them to come out and inspect the camp to ascertain possibilities of setting up a center. Oregon State regulations for child-care centers are so stringent that no place on the B. premises could meet the specifications.

It wasn't until mothers and children in the Salem area marched on the capitol that day-care funds were made available. The State of Oregon was given $45,000 for day-care. In the area where our research was done there are two centers, one in Salem and one in Woodburn; neither of these is readily accessible to a large percentage of the seasonal farm workers. For the people settled out in the city, dropping a child off at the center before going to the fields is feasible. Strong recommendations should be made that day-care facilities be made available to the majority of the seasonal farm workers. It is most ironic that facilities at camps do not satisfy state specifications for day-care, but children, many children, live in these camps.

It did not take long to realize that questions about numbers of children in the fields, types of occupations done, etc., were being answered similarly by everyone and with questioning glances by those in attendance. After several weeks of absorbing the experiences, we realized that most children eight and over work in the fields, many out of necessity, many because it is socially sanctioned, many because it is thought to be good for you, etc.

Under existing Oregon Health Codes, cabins are required to meet certain specifications. The fields are required to have a specific number of latrines per acre and so forth. There are also restrictions on washing and drinking facilities. The Oregon Health and Labor Departments have inspectors responsible for seeing that growers comply with these standards. The number of inspectors is very inadequate to investigate the camps in the Marion county area alone. The existing legislation is not enforced; what good would additional legislation be if the same held true?

Most people chuckled a bit when new legislation was mentioned. It must be difficult to arouse enthusiasm about new legislation when existing health codes, housing codes, etc., are not enforced. It is felt by most that some good, at least adequate, legislation exists, but it is not enforced. Much additional legislation is badly needed, but only if necessary funds, personnel, and resources are included so that the legislation will function.

Currently, the grower is in a very vulnerable position. His life as a grower is controlled by the canneries. If minimum wages for pickers and laborers becomes law, and the cannery doesn't pay the grower more for his berries, etc., the inequities continue. The grower will be squeezed out of business. This area is essentially comprised of small, independent farms, not the large commercial agri-business sort, and the small farmer is not getting a very large portion of the cream of his crops.

July 13, 1970

We stopped at L.R.'s camp in Turner, Oregon. There were many children running around and two of them, Maria and Sonia, invited us into their house. It was small, having two double beds on the bottom and two double beds on the top, like bunk beds. The beams from the roof supports were barely a foot above the surface of the mattresses on the top beds. There was a table, cluttered with dishes and food, an old wood stove (not used) and a small two unit gas stove on a table next to the outside wall. The floor was wooden and since there was no step leading into the house, it was difficult for young children to crawl into the room and dangerous for them to try and leave it.

Sonia and Maria were staying home with the three younger children that day. There was not much picking work because the strawberries were finished and the green beans not yet ripe. Some of the men and boys had gone to hoe mint and pick cane berries. Sonia planned to spend the day making tortillas; she had already prepared a pan full of dough balls that would be rolled out with a well rounded stick and then fried.

Sonia's family had come to Oregon from California. Sonia said that she loved school, had enjoyed fourth grade and was looking forward to fifth. Her command of English was good and she remarked that it was really fun to speak English with us. Maria had also finished fourth grade and boasted of the books in English she had in her cabin.

We watched the children playing in the yard for awhile. There was a swing set and a metal hobby horse large enough for ten and twelve year olds. The equipment had just been put up by the grower the day before and was crowded with children.

At the girls' invitation we went to visit their friends. Here there were two toddlers, Mellissa aged two and a half, Clarissa eight months. The girls began to toss the younger ones while their mother apologized because her house was such a mess. The entire family had had a virus causing high fever, nausea and diarrhea. The baby had had a fever of 104° and the mother had taken her to the hospital for treatment. The mother herself was ill and said she had laid in bed until nine that morning feeling as if she would vomit but knew it was too cold to go out, so she had waited until nine and then nearly did not reach the bathroom. The family usually went to Illinois to pick but this year had come to Oregon. The family was low on money and her husband had heard that there were raspberries to be picked and gone in search of this work.

This mother was upset that there was no place to leave the children so that she could pick. She also said that she thought more play space with shade should be provided.

This house was also small. There were two double beds, both in use, a stove, refrigerator and table inside. The one window was open and screenless. The mother stood next to the stove as she talked--the pilot was lighted and she was cold.

There was a sign in the women's latrine, stating in English the date and time of the dental exams. I asked if any visiting health nurses had been to visit lately and she said that she had not seen them.

July 21, 1970

We returned to J.T.'s Anglo Camp. Susy and Donna had left. The Labor Department had inspected the camp and threatened to close it if it was not brought up to standard.

We then visited the B. Camp in Marion. Three little girls had just arrived. One of the girls mentioned that she lived in Arkansas and that she liked it much better there. She and her family, four boys and herself, had come here just to pick. They did not need the money, but considered it more of a summer work vacation sort of thing. Another little girl had come with her family. She thought Florida was her home but knew that she would not be returning there. She was not sure where the family would be going next. Last year, she remembered being in Texas for awhile. I noticed that she had the same sores on her mouth that she had had on my previous visit. We had mentioned this to her mother, but apparently nothing had been done. We suspected that it was a vitamin deficiency. Upon questioning this little girl, we found that she had been in several schools last year. She was not sure whether it had been three or four. She is 10 years old and will be going into the third grade. She had not started school on time and thought she had started after she was six. The family from which she comes is a true migrant family and they will move from picking crop to picking crop until the crops in the northwest are finished.

Telephone conversation on July 15, 1970 with the Marion County Welfare Department officials.

These statistics and facts apply to the people receiving welfare grants from the Marion County Welfare Department. A report of earnings must be presented to the Department once a month. Any child over eighteen and not in school that is earning a salary must report his earnings. Any child over 16 that has either dropped out of school and is earning a salary or is employed as summer help, must also report his earnings. The total earnings of the family, including all adults and employed children over 16, must report their earnings as part of this net. From the gross income of the family a deduction of $30. is automatically made. After the $30 is subtracted, one-third of that total is then taken and the employed person will receive the $30 plus the one-third as his net to keep. The remaining amount of the money is then applied toward the grant. For example, a person, say he is 18, earns a gross of $300. From the $300, $30 are subtracted leaving $270. One-third of the $270, or $90, is taken, leaving a total of $180 of the gross of $300. The $120 is given to the person that earned the money and the remaining $180 is applied to the welfare grant. (If money is expended for travel, this is also taken into account, and the wage earner is given a travel allowance.) There is just one $30 and one-third disregard per family and in the case of more than one person working, the entire family must report statement of earnings and the gross amount is then subject to the $30 and one-third disregard.

The procedures vary for the grants given to a head of household in regard to the reduction of grants during the months that employment is available in the seasonal labor force. If the head of the household is covered by the Work Evaluation program and has a federally matched grant, his grant continues to come during the months when employment can be found in seasonal farm labor. This individual is permitted to earn up to 30% of his grant to supplement his income. For a head of household not involved in Work Evaluation Training, the grant is stopped in June and the person is told to seek employment in the fields. Their supply of farm labor in this area makes jobs easy to find in the months of June, July, August and September. These people do not have federally matched grants. A statement of earnings is then sent to the Welfare Department. The woman I spoke with said that seasonal farm labor is "badly needed." The individual is permitted to earn as much as he can during these months.

A single parent does not lose his/her grant, but must report earnings to the Welfare Department. The $30 and one-third procedure is in effect here also. If children over 16 work, their gross income is subject to the $30 and one-third disregard.

Any person under the age of 16 need not report his earnings to the Welfare Department. It is possible that several children under the age of 16 can add to the family's earnings by doing farm labor in the summer and during other picking seasons. These earnings are not reported and thus not part of the family's gross earnings and not subject to the $30 and one-third disregard.

At the most, about 1,500 children are benefitting from the summer Migrant Education programs financed by Title I funds (see chart on page 35.) Two of the area projects, scheduled for The Dalles and in Milton-Freewater, were closed because, due to crop conditions, the migrants left the camps. This indicates that the program was not entirely based on home-based children. However, the funds were not used to set up a program in an area in which there were many migrants. Unused funds revert to the Oregon Board of Education Migrant Division.

	Enrollment	Attendance	Home Base**	Migrant**	Ages Attending	Chicano(C) or Spanish-speaking(SS) staff members A/B read "A out of B"
Woodburn	150		remainder	4-5	to 8	6/8 aides C
Hood River	50-60	38	8-9	remainder		3 SS staff members
Ontario	420	340	30%	70%	4-14***	11/16 aides C, 1 SS anglo
North Plains	175	50-90			to 8	1/6 aides C
*Medford	70			all	5-14***	
Aurora	200				to 8	
Dayton	220	100			to 8	7/8 aides C
Independence					to 8	18/46 staff members C
Brooks						

*Medford program began late, poor crops.

**"Home base," "migrant," refer to children of settled-out families in the area, and those actually migrant.

***Crops in area cannot be picked by those under 15.

For these numbers to have any meaning, one must consider:

1. The average daily attendance is often half to two-thirds of enrollment.
2. Many children in the project are from settled-out families, not those in the camps and truly migrant.
3. There are an estimated 30-40,000 migrants in the Willamette Valley this summer; the average family size is approximately 6.7; obviously, very few migrant families are being served.

The Intergroup Relations Council has made suggestions for improving the schooling of migrants and indeed for all children:

1. Change in textbooks.
2. Change in requirements for certifying teachers so that those who are Spanish or Russian speaking can work with children. Refuse positions as teachers to prejudiced people, to those uninformed about the cultural background of those whom they are teaching.
3. All schools should include in the curriculum at least a minimal amount of study of the cultural contributions of minority groups.

C. OHIO The following are excerpts from the field reports of the team which operated in the Freemont-Woodburn area of Ohio from June 26 to August 15, 1970.

Letter to AFSC, August 18, 1970

...The contents of the interviews also made it seem impossible to accomplish what we wanted to do on the project. Everyone admired what we wanted to do but thought it almost impossible. After experiencing the project, I can say that everything anyone said turned out to be almost never true. The fact that we don't know Spanish didn't hinder us. Every time I went to interview, practically everyone spoke English. The migrants rarely "acted suspicious" and were ready to answer most of the questions, at least as of August 4. We were never bothered by farmers coming at us with shotguns in hand and even the few places where no trespassing signs were up, the farmer, if he were around to ask, readily gave us permission to talk to the migrants (about education)...

J.C. would work on getting lists of growers and migrant camps. She found that no one "in the establishment" would give her lists or take her to any of the camps. Her report gives some of the details. Miss U. didn't want to jeopardize her ability to get into the camps. Mr. M. didn't want to upset the growers and said growers lists were private information. Later Mrs. K. said that she had gone all the way to the top of the Department of Agriculture for Ohio in Columbus and had not succeeded in getting any lists...

... I should add that the farmers move the little migrant houses around (I saw this) and therefore, one year's lists are not always good for the following year...

Education

In Henry County, Ohio, the team ran across one of the eight mobile migrant schools operating in the U.S.A. during the summer of 1970.[1] The object of this program is to give a consistent and continuous curriculum to the children of migrants from the Rio Grande Valley. Each unit attempts to follow a select group of migrant families during the summer. When the families and the units return to Texas in October, testing will begin to see how these children compare with children who have not been followed by such a unit. This is the second year of this program and it is still considered to be an experimental one. Because of the nature of the project, migrants who are not from the Rio Grande Valley must be rejected by the mobile school.

The team reported on the mobile migrant school unit stationed at the Holgate Catholic Church, 316 Chicago Ave., Holgate, Ohio. The team members interviewed the three staff members attached to the unit: the Center Director, Educational Director and Teacher Director. This unit began the school on July 28, and will run until the first week of October, or as long as the migrants remain in the area. Classes are held from 7:00 a.m., and end at 4:00 p.m. Children receive breakfast, lunch and a snack free, plus free clothing and medical and dental attention. Forty dollars per child has been allotted for a maximum of 450 children in the U.S.A. for these services. The Holgate unit expects to deal with about 50 children.

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[1] Funded by H.E.W., through the United Migrants for Opportunity, Inc., Mt. Pleasant, Michigan.

This unit started out in Mission, Texas, went to Powell, Wyoming, and from there to Ohio. From Holgate, the unit will return to Texas. There are six teachers, one cook (Chicano), a janitor and the director, all of whom speak Spanish. All are from Texas and travel with the unit in their own cars. A U-Haul truck moves the mobile unit. All members of the staff were at one time migrants.

When visited on August 3, 1970, there were 26 children in this school:

Headstart	(ages 4-6)	12
Day Care	(ages 2-3)	7
Infants	(below 2)	7
		26

Since the mobile unit has no bus, local people must supply transportation. In Holgate, the staff go out in their own cars and collect the children. The staff expected to add more children when more families moved to Holgate after the cherry picking season closed in northern Michigan.

The Center Director said that the project needs much more publicity. No one in the Anglo-society is cognizant of it so that the mobile unit staff must do all of the interpretation and solicitation for help within the community. It is the Center Director's belief that if more Anglos knew of the possibilities for migrant programs funded by federal money, more localities would have facilities for migrants.

For a project such as this to be effective, professional staff should remain with it for the duration.

Working Conditions

In July 1970, a member of the team working in Ohio submitted six reports of visits to farms where migrants were working. The following selections are good examples of the situations he described.

Two visits were made to R. Farm No. 2, V.M. owner, on Road M-5 off of Road 6, between Roads 6 and 7L, Putnam County, Ohio. These visits were made on July 28 and August 1, respectively. He reported the following:

There are 11 migrant cabins at this farm and 29 additional people live in an old farm house a little ways down the road. All of the cabins were occupied, several families occupying two cabins. At the farm house there is a stove, refrigerator and two showers. In the camp itself, there is a house, divided into men's and women's restrooms (both properly labeled). This house contains one shower, two toilets that are emptied by removing the buckets, a sink with one faucet in each of the two rooms. The restrooms and grounds were clean although the trash was piled high in the trash cans. Those living in the cabins and those living at the farm house all complained of the water--it stinks from sulphur. They use this water for washing and bathing, but carry their drinking water from a hand pump well across the road about 40 yards from the housing.

All of the migrants living in the cabins and the farm house were picking pickles (cucumbers). We asked M.H.E. what prices the pickers were getting. She reported that No. 1 pickles were bringing $8.60 per 100 lbs.

No. 2 pickles were bringing $4.30 per 100 lbs.
No. 3 pickles were bringing $2.15 per 100 lbs.
No. 4 pickles were bringing $1.50 per 100 lbs.

This is what pickles were bringing in this area this year.

Each family is assigned a section and they get half of the crop from that section. M.H.E. wasn't sure how much money she made herself because all of the money was paid by the crew leader to her father and she didn't know how much the family made.

Each of the three families interviewed on July 28 and August 1 occupied two cabins.

July 28, 1970--The parents, Mr. and Mrs. G.E. and four of their seven children were working in the field. Ruben (aged 3), Ramido (aged 5), Rene (aged 6) were at home. Working with their parents were:

Geranimo, Jr.	age 9
Elvia	age 10
Rosa	age 12
Helga	age 14

August 1, Mr. and Mrs. G.E. had all seven of the children in the field. Ruben and Ramido were playing in the field; working with their parents were:

Rene	age 6
Geranimo, Jr.	age 9
Elvia	age 10
Rosa	age 12
Helga	age 14

On July 28, Mr. and Mrs. J.J. and three of their four children were working. Josie (age 11) was at home. Those working:

Richard	age 16
Louis	age 15
Vincent	age 12

On August 1, the J.J. family was not in camp.

July 28, 1970--Mr. and Mrs. C. and their three older children were working while Julio (age 5) was at school in Pandora, Ohio. Those working:

Juana	age 15
Refugio	age 14
Agapito	age 10

On August 1, all of Mr. and Mrs. C.'s children were with them in the field. Julio (age 5) was working but also doing a bit of playing around.

Child Labor Violations

Place - Northwest corner at crossroads of Sand Ridge and Range Line Roads.
G.R. farm, picking pickles.

Time - 1:20 P.M., Thursday, July 30, 1970.

As seen from the car window, driving by three times:

1. A 2- or 3-year-old child standing in the field with an older woman (his mother?)
2. An 8-year-old (approx.) girl, picking pickles
3. A 10-year-old (approx.) boy, picking pickles

On August 3, in Henry County, members of the Ohio team watched the workers in a sugar beet field on Route 108, south of Holgate city limits and north of Road D. on the east side of the road. After watching the M.G. family blocking (hoeing) beets in this field, one of the team members followed this family as it moved to another sugar beet field on the east side of County Road -10 between roads Township B and Y, Henry County. At the second location, he was able to talk with them.

Working at the first field at 2:30 in the afternoon were Mr. and Mrs. M.G. and their six children.

Armando	aged 15	blocking sugar beets
Robert	aged 10	blocking sugar beets
Ray	aged 12	blocking sugar beets
Dannie	aged 5	standing in the field
Rosie	aged 4	at the family car at the side of the field
Mary	aged 3	at the family car at the side of the field.

A half hour later, at the second field, Armando, Robert, Ray and their parents were blocking sugar beets. Dannie was standing by the car while Rosie and Mary were in the car.

Health

This team also spent some time researching the health services available to migrants within the state. Their summary follows:

The State of Ohio presently has five migrant health programs. Nursing, medical clinics, dental care and health education are financed federally by funds created by the Migrant Health Act of 1962 (PL 87-692). Migrant sanitation is funded on the state, local and federal levels under the comprehensive Health Plan as of July 1, 1970.

Each county applies either to the Ohio Department of Health or directly to HEW for the programs. The application must be approved and then if possible financed. Once funds are made available, employees are hired by the county. The County Boards of Health generally take the initiative in the programs, yet if for any number of reasons the county board does not sponsor the programs needed, a voluntary group or agency may assume the sponsorship of the program. County Boards of Health may refuse sponsorship for reasons such as the inability to finance certain in-kind services or lack of interest.

For the summer season of 1970, the following health programs are available in Ohio:

1. Medical clinics--6 counties--Darke, Lucas, Ottawa, Putnam, Sandusky, and Stark. The Migrant Rest Center in Henry County also provides a medical clinic. Beginning August 6, Hancock County will open a migrant clinic on Fridays. These clinics are generally open twice weekly at night and provide a wide range of health care, diagnosis, immunizations and treatments, family planning, prenatal care.

2. Nursing--8 counties--Darke, Hancock, Henry, Lucas, Ottawa, Putnam, Sandusky and Stark. Nurses provide service to migrants in the clinics and camps. They are recruited and supervised locally by each health department, which manage the clinics and are responsible for training and supervising volunteers and auxiliary workers. The nurse is responsible for directing migrants to sources of care not available through local health departments (hospitalization, welfare agencies and volunteer organizations). Nurses must also plan for continuity of care, i.e. referrals.

3. Health aides--10 counties--Darke, Fulton, Henry, Lucas, Mercer, Ottawa, Putnam, Sandusky, Seneca, Stark, Wood.

4. Dental care--6 counties--Henry, Lucas, Ottawa, Putnam, Stark, Wood.

5. Sanitation--a migrant sanitarian is provided for by some counties. The objectives of the migrant sanitarian include assisting local boards of health in improvement of camp sanitation, provide educational programs for growers to upgrade sanitation, educate migrants in the proper use and care of facilities.

6. Nutrition services--Two nutritionists are employed for the northwestern region of Ohio for the purpose of assisting and interpreting modified diets related to the control of diabetes, nutritional anemia and obesity. Also a primary concern is with the feeding practices of the infant and food patterns of pregnant women. Services are provided to the Migrant Rest Center and to other migrant clinics.

7. Family planning -- Two planned parenthood clinics are in operation in northwestern Ohio, in Toledo and at the Migrant Rest Center in Liberty Center (Henry County). Family planning is a basic element in personal health service. These programs are financed through Community Action Commissions of OEO. Some migrant health clinics offer family planning guidance independently.

The following will hopefully elucidate the philosophy of the migrant health programs, their specific functions, and the extent to which the programs are meeting the basic health needs of the migrants. It is, of course, impossible to separate the status of migrant health from the environment from which they come and the life style which is uniquely theirs. Thus the problem is not simply migrant health, but the entire way of migratory life. Migratory life means economic deprivation. Economic deprivation and poor health are generally concurrent problems. As to whether such an economic system will ever allow farm laborers such as the migrants to rise above their present economic suppression is beyond the scope of this project. However, it appears evident that if the large processing corporations remain deaf to the needs of these people, that the profit motive must be named responsible for such deprivation and rape....

Migrant health problems will never be overcome without dealing with the economic reasons for their poverty. Obstacles must also be overcome in the communities in which they live, i.e. medical, legal exclusion from protective legislation, restrictions against serving nonresidents and especially attitudinal resistance to poor minority groups.

D. MAINE The following are excerpts from the field reports of the two-man team which operated in Aroostook county, Maine from September 15 to October 20, 1970:

The County

The economy of Aroostook county is based almost entirely on lumbering and the potato industry. Fall is potato harvest time, and from September 15 to October 15 the county's growers and their crews race to get the crop out of the ground and into storage before the cold Maine winter sets in. At the writing of this report, October 16, the snow is flying past our window and covering the fields beyond, and more than a few of Aroostook's growers have a considerable number of acres still in the ground.

The harvest is the last phase of potato production to be mechanized, and, as of the 1970 harvest, upwards of 21,000 workers are still needed to man the machinery and do the stoop labor necessary to bring in the crop.

This inflated labor demand has made the harvest season a period of annual crisis for the farmer. The six or seven thousand local adults available for seasonal hire are simply unable to do all the work of the harvest. As a result, for as long as potatoes have been in Aroostook (over 100 years) farmers have counted on local children to help with the harvest. Since 1950, some 15,000 of them, from five years old on up, have worked every year in the potato fields. It is a tradition that people in the county are proud of; it has been part of their way of life for a long time.

But child labor in the potato harvest is more than a colorful custom, it is a crucial necessity in the eyes of many. For even with the tremendous number of school children at work each year, the county has felt a shortage of domestic labor during the fall. In none of the past 15 harvests has there been an adequate domestic labor supply even with the aid of the county's 15,000 school children. School children receive the same wages and work under the same conditions as adults in the potato harvest.

It is the job of the Maine Employment Security Commission to recruit the labor to fill the gap. Over the years MESC has come to rely heavily on workers from over the Canadian border. Among the Canadians there are two groups: There are French Canadians who work seasonally as lumber jacks, and there are North American Indian families from Canadian reservations. In past years there have been as many as 8,000 French Canadians and 2,000 North American Indians coming into the county for harvest work. Today the figures are greatly reduced as both the supply and demand are decreasing.

One source of outside labor, however, which has been traditionally absent from the county's harvest labor force is the migrant laborer. The East Coast migratory stream, that great mass of poor southern whites and blacks who travel north from the southern citrus and cotton and tobacco belts to harvest Mid Atlantic crops in the summer, and New York apples and Long Island potatoes in the early fall, turns around and heads south again for the winter months without ever reaching northern Maine.

Occasionally Puerto Rican and Bahamanian people have been imported to southern Maine for harvesting late summer blueberries and market garden crops, but attempts on the part of growers and employment office personnel to contract southern migrants for the heavy fall potato harvest in the cold climate of northern Maine have met with consistent failure since World War II.

Because of the absence of the migrant laborer, because of the shortage of local adults, and because of the limited availability of imported labor, the county has continued to rely heavily on its children during the harvest. Schools have accommodated by opening in late August and providing a harvest recess from mid-September until harvest's end. Banks award prizes for the biggest spud dug from the county's fields. Merchants arrange harvest "specials" to attract the money the kids will earn.

Some things do not change. The seasons, the soil, the span of days between harvests--all have been the same since potatoes first made their appearance in Maine. Yet within the last decade the harvest has been revolutionized by the advent of the mechanical harvester. Since 1960 some 1,300 of these huge machines have come to the county. In the present season they will harvest some 65% of the crop. They are more dependable than the hand crews they replace. A single one of these machines does the work of a crew of 30 pickers. They do not complain, nor do they exult. They are ceaseless like insects. They are a symbol of much that has gone before and a herald of much that will come. In the following section we will trace the impact of mechanization over the past ten years and try to draw out some implications for the future of child labor in Aroostook.

Socio-economic profile:

The county has long been considered an economically depressed area. In the areas of education, family income, and employment, figures have been consistently below the national average. Below are highlighted some of the more dramatic figures of the Northern Maine Regional Planning Commission's economic profile based on recent studies.[1]

> "...an alarming 41% of families in the Fort Kent Redevelopment Area earn under $3,000 per year (1966)..."
>
> "...40% of the unemployed (Fort Kent Area) are in the 15-29 age group..."

The following tables compare county figures and national figures as reported in the Planning Commission's report:

	Aroostook	U.S.	
Civilian Labor Force Participation	52.5%	56.5%	(1966)
Unemployment Rates	2.1%*	5.6%	(1968)
Family Distribution of Consumer Spendable Income (dollar average)	$7,921	$9,113	(1967)[2]

*Outmigration of large numbers of unemployed tends to deflate this figure.

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[1] Northern Maine Regional Planning Commission, P.O. Box 911, Presque Isle, Maine 04769, June, 1969, pp. 15, 16, Table VI.

[2] Ibid., pp. 21, 22.

Mechanization--Impact on labor force

Within the past decade the number of harvesters in the county has soared to over 1,300. The impact on the demand for stoop labor, previously the domain of Canadian imports, Indians, women, and children, has been considerable. (See chart below.)

	Number of Harvesters	Bonded Canadians	Migrant Indians	Local School Kids	Local Adults
1960	-	8,283	(1951 - - - - - -	- - - - -)	
			2,000	14,000	-
1961	150	8,786	-	-	-
1962	250	8,509	-	16,000	-
1963	300	8,286	1,800	-	-
1964	274	7,322	1,400	16,000	7,000
1965	450	5,525	1,800	17,074	5,600
1966	700	5,321	1,400	12,683	11,025
1967	1,000	4,500	1,500	13,000	6,000
1968	1,095	1,710	700	14,941	4,500
1969	-	1,530	700	14,500	4,500
1970	1,300	1,250	700	15,000	-
Total change	+1,300	-7,033	-1,300	+1,000	-2,500

From the figures here it would appear that the mechanization of the harvest displaced primarily French Canadians and Indians, reducing their numbers by 7,033 and 1,300 respectively. The decline in the number of local adults is as much due to outmigration of some unemployed and increasing employment of others in local industry as it is to mechanization. The apparent lack of fluctuation in the figure for local school children is not significant since the number is based on a formula estimate, not the actual number of children picking year to year.

Mechanization--Impact on local child labor

There are no exact figures available for the numbers of school children county wide that have been picking year to year. However, from our conversations with labor and school officials, teachers, and farmers, we have gathered that mechanization has affected the incidence and distribution of labor by school children in the harvest. As diggers have been replaced by harvesters, there is less demand for stoop labor and fewer job opportunities for younger children.

Simultaneously as the number of harvesters has been increased, there are more jobs available for children over 16. Overall, then, we would guess that there is a trend toward fewer children under 16 working today while the number of older children working has held steady or increased.

One index of this is the fact that harvest recess has been abolished in elementary schools of two districts within the last two years.

Another index is the reputed "marginal financial position" of many farmers, large and small, who harvest with stoop labor. Farmers Home Administration authorities estimate that some 350 (out of a total of some 1,500 potato farmers in Aroostook) such farmers who have loans through their office will be unable to repay and will fold within the next few years. Production Credit Association authorities reported that a substantial number of the farmers they financed were likewise in a fairly precarious financial state.

In a recent survey conducted by the Northern Maine Regional Planning Commission, 51% of the responding farmers answered "no" to the question, "...do you think you can continue to make an adequate living as an independent farmer?" Poor marketing techniques, corporate agriculture, and poor prices have all contributed to what is often termed the "eclipse" of the small farmer. The exact metaphor for this trend depends on your conception of the problem. The small farmer may be, like the cowboy facing the closing of the range, merely a nostalgic remnant of a bygone age. Or he may, like the buffalo, be a tragic victim of corporate recklessness and technocentrism. Be this as it may, his past decline is a reality and the prospects for his total eclipse in the future seem good.

It has become a commonplace for us to hear a farmer, labor official, or processor, leaning back after a long interview, predict that within the coming decade the whole county will have gone to harvesters and there will be no more need for hand pickers. One grower suggested that some day there would be a new demand for the hand-picked potato, just as there is a demand for any handcrafted item. (It is said that the hand-picked potato has less bruises than the machine-picked one.)

It is important to note here that even if mechanization came to pass, the jobs for children over 16 would probably not be affected. There are many throughout the county who claim that harvest recess will remain in some high schools at least, even if the whole county uses harvesters.

Child Labor Groups

Among the children participating in the Aroostook potato harvest there are three groups for whom conditions are quite different. These groups are local school children, Indian children, and in-county migrant children. The in-county migrant group refers to children who come with their French speaking parents down county from the Allagash-St. John area and live in temporary housing during the harvest.

Local school children: The Maine Employment Security Commission (MESC) estimates the number of local school children participating in the harvest each year by adding up the total enrollment of junior high and high schools within the county. (See figures under Mechanization.) An official of the MESC explained that the fluctuation of this figure during several years in the mid sixties was due to the use of a different estimate formula as ordered by the central MESC office in Augusta.

Our figures for child participation in the 1969 harvest, based on the estimates of school superintendents county-wide, district by district, is approximately 15,400 children, elementary, junior and senior high schools included, as opposed to the MESC figure of 14,500.

Indian children from Canada: MESC estimates 700 Indians entered the county for the '69 harvest. Neither U.S. nor Canadian Immigration officials keep any record of the number of Indians who pass their borders, but officials we spoke to agreed that MESC's estimate of 700 was the best available. An MESC official explained that he was not including those children too young to pick in this figure. He estimated there were an additional 150 of these young ones of preschool and early elementary school age.

From our field visits we have first hand knowledge of 224 Indians working in the county. Eighty-four of these were below the age of 16.

In-county migrant children: There are no statistics on the number of French people from Allagash-St. John who came down-county for the harvest. The Fort Kent AFDC intake officer knew of some 15-20 families from area case loads who moved south for the harvest. We spoke with four families in the field and children from other families who were with them.

Others: During our month in the county we did not observe or hear of any children of bonded Canadians who had come for the harvest. We did, however, learn of some 200 Canadian high school children from the border town of St. Leonard who commuted by bus each day to pick on the American side. Border officials in Woodstock denied that this was possible under law unless the children were over 16 and bonded.

We did meet two out-of-state families from Connecticut who had brought their children for the harvest, but they were, according to labor authorities, a rare exception. During our last few days in the county we learned of some other New England children who had come to the harvest with their families--3 from Rhode Island, 34 from Roxbury, Mass., and a few from Connecticut.

Child Labor Conditions

Each of the team members worked from three to five days picking potatoes with a different group of child laborers. It was during this time that we got our most intimate glimpse of child labor conditions within the county's potato harvest. We wrote up separate reports of our experiences and have included them within our reports on each child labor group.

In-county migrants: These are primarily French speaking families from the Allagash-St. John area. Allagash and St. John are townships in the Fort Kent Redevelopment Area, an area along the St. John Valley in Northern Aroostook that has been cited as being the poorest area in the State of Maine. Incomes there are lowest, unemployment highest, and outmigration of recent high school graduates heaviest. Families tend to be large, averaging four children per household. Most of the work force is employed in the pulp wood industry and depends heavily on seasonal agricultural employment. Because of the shortage of local jobs in agriculture (there are few potato farms in the immediate area) many families move to the Fort Fairfield, Caribou, and Easton areas for the three-week harvest season. They often work for the same farmer and live in the same "shack" year after year.

The shacks are usually wooden frame buildings, often old farmhouses themselves, with an outhouse, a pump, a wood stove for heat, and a gas stove for cooking. Some farmers will drive the family down at the beginning of the season and return them at season's end free of cost. Most farmers provide the shack, the water, wood, and gas free of cost also.

Family groups come ready to work. Usually one woman will be in charge of cooking, shopping, and housekeeping so that all the others can devote their energies to the 10 hour work day. In a good season an average size family can earn over $1,500.

During the week of September 20-27 each team member working in Aroostook county went to work digging potatoes. One summed up his experience working in Easton as follows:

Household structure:

There were two families, the B.'s and the St. G.'s, and several children and adults from other families living together in an old two-story farm building. All were working for Mr. S.W. of Easton. The quarters were provided rent free by Mr. W. while the families were working for him. Mr. L.B., head of the B-household, acted as foreman for Mr. W., coordinating the manpower, equipment, and wages during harvest. His wife did the cooking and shopping for everyone who lived in the house and Mr. B. deducted $2.50 a day for board for everyone who ate and was not in the B-family. Mrs. B.'s mother also helped out with the cooking and both women looked out for any of the children who do not want to work and stayed away from the fields.

Members of the crew by household:

The B.'s...Eagle Lake
L. - 45, foreman
J. - 40, L.'s wife, and the cook
J.'s mother - 65, cook
baby
Donna - 10 years ... 15 barrels/day
Sharon - 11 ... 25 barrels
Linda - 12 ... 25 barrels
Diane - 13 ... 35 barrels
Mary Anne - 14 ... 40 barrels
Mike - 16 ... 60 barrels.

The St.G.'s...Connecticut
R. - 35 ... worked in a paper mill at night, slept during morning, picked in the afternoon
G. - 39 ... (sister of J.B.) ... 50 barrels a day
Keven - 8 ... played in the field
Wayne - 9 ... 15 barrels

The M.'s ... Eagle Lake
David - 12 ... 40 barrels
Alan - 13 ... 40 barrels
Norman - 14 ... 50 barrels

The L.'s...Eagle Lake
Darcy - 17 ... 50 barrels
Earl - 11 ... 25 barrels

Miscellaneous...Eagle Lake
Roy - 12 ... 35 barrels (Roy and Bert are brothers)
Bert - 15 ... 55 barrels
Norman - 30 ... rolled barrels on the truck
Mr. B. - 50 ... drove the digger

Others: not living in the house but working for Mr. W. and under Mr. B. as foreman:

The W.'s...Connecticut (lived in a small shack near the farmhouse where B.'s and St.G.'s stayed)
Mr. - 50 ... drove barrel truck
Mrs. - 40 ... 50 barrels/cooked
Three children - elementary school, around the ages of 7, 8, 9

Two Indian women...Tobique Reservation, Perth, Canada
Lived at sister's house nearby

Daily routine:

Mr. B. woke the household at 5 a.m., breakfast was at 5:15, and we were in the truck and out to the fields by 6. We would drive back to the house for lunch at 11 a.m. and then back to the fields by 12 and work until 5 p.m. Thus the work day was ten hours plus an hour for lunch. After dinner the older girls took turns helping with clean-up, the younger children would play in the yard, older boys would ride their bicycles and some would ride or walk to a nearby store for candy and soda. When it got dark around 7:20, the household would crowd around the dining room table to help Mr. B. sort through the tickets for that day's picking. The rest of the time before bed was spent just relaxing with TV and radio and conversation. Bed time was about 8:30 for the youngest kid and about 10 for the last adults. The crew picked six days a week excluding Sundays and rainy days. Children and adults made the same piece wage of 30¢ a barrel.

Housing:

The farm house was wood frame, quite old and unoccupied during all but the harvest season. Doors were often gone and blankets strung up in their place. The plaster on the walls was crumbling away and there were holes in the walls here and there where the plaster had mouldered completely away leaving only the wood frame. The doors and windows had no screens and the house was fly-infested. Fly paper hung everywhere and dishes and silver had to be covered with cloths when not in use. The house itself was rat infested and at night you could hear them crawling and scratching inside the walls. The only heat was from a gas stove in the kitchen and from a wood stove in the dining room.

Water:

There was no inside water supply but just outside the kitchen there was a good pump and fresh water.

Toilet:

The toilet was a shed connected to the back of the house where the ground sloped away. There were two holes cut in an old board to sit on and a small window about 6 inches square for light and ventilation. There was no light fixture and consequently nearly all the children went outside the front door and pissed on the front lawn after dark. There was no pit for the waste to collect in, and apparently no chemical absorbent under the shed so that there was just this huge pile of human waste lying open twenty feet from the kitchen. With all the flies around it was easy to imagine that the proximity of open sewage could be a real health hazard. The scene in the bath room was so bad that most kids and adults waited until they couldn't hold out any longer and then took some toilet paper and went out in the woods at the side of the fields.

Food:

The family washed in wash bowls in the hall with cold water and soap before each meal. The food was ample and nourishing.

Typical breakfast: 5:00 a.m. - Eggs, bacon, toast, beans, doughnuts, jam, butter, coffee, tea, water

Typical lunch: 11:30 a.m. - Hamburger, boiled potatoes, peas, cabbage, bread, butter, water, coffee, tea

Typical supper: 5:30 p.m. - Chicken, corn, potatoes, green beans, bread, butter, water, coffee, tea

Sleeping:

Bedrooms upstairs and downstairs. Blankets strung up over doorways. I slept in a 12'x12' room with four other boys. There were two double beds, one home-made out of boards with a mattress on top of it, and a single bed. We slept two to a bed in the doubles with plenty of blankets. The desire to change clothes for sleeping (or any reason at all) evaporates when there is no shower or bath to clean up in. The kids would sleep in the same sweaty, dirt-stained underwear, two in a bed, for the whole week before changing. Still no one complained of loss of sleep after working ten hours in the fields. There were four kids in the other room upstairs, four girls and the grandmother in one room downstairs, and the two couples slept together with their youngest children and the baby with them.

Transportation:

All of the kids rode to the fields on the back of an old truck. The truck had old wooden siding and an open back. Several children and adults would lean on the siding on the way to the fields and all told how the previous year the siding had collapsed outward and kids fell out of the truck on to the road. Luckily no one had been hurt. This year the sidings leaned outward badly from the truck and clattered and swayed like huge wooden ears. They were held from falling away from the truck by three pieces of rope no thicker then clothesline that someone had strung between them, and by an old 1/2" chain that was laced around the outside much like you would bind up a bulging piece of luggage. The young kids hurried through breakfast and lunch to try to get a prime seat at the back of the truck with their legs hanging over. Parents continually warned them to sit inside the chain but some *would* sit outside the chain. A favorite practice that the parents likewise tried to discourage was jumping off the back of the truck while it was still moving into the drive. On Tuesday nine-year-old Wayne jumped off the right side as the truck was turning to the right and nearly rolled under a wheel.

Fields: sanitation:

There was no place to go to the bathroom except the woods at the side and no one had the least compunction about doing that when the urge was upon them. People often brought a mason jar full of water on a hot day and the two Indian women from Tobique ate their lunch in the field. On two of the three days I was picking, Mr. W. drove around in his pickup truck several times in the day and offered water out of a jar in the back.

Labor:
Picking itself from six to five with only a quick break for lunch is a pretty problematical condition. To earn any substantial sum beyond room and board one must pick steadily for all ten hours of the day. You may stoop from the waist or crawl in some fashion on your hands and knees along the row, shaking potatoes off the vines and dropping them into your potato basket. When the baskets are full you must dump them into a potato barrel. It is primarily the lower back and thigh muscles that are used in picking and these become quite sore during the first few days of picking. Although anyone in the county will tell you he's been picking since the age of six or seven and is stronger for it, it would be interesting to get a medical opinion on whether intensive use of these muscles at an early age could be harmful to a child's development.

Education:
Schools in Eagle Lake were recessed for the harvest. Schools in Connecticut were not.

While working in the potato harvest, Maine team members began to find out who their fellow diggers were. From where they came--and why?

Two field reports from this team comment on French American and Indian families whose children were working.

Field Visit Report #2

Date: Oct. 12, 1970

Location: Mr. M.W.'s farm
W. and B.P.I. Rd.
C.

Acreage: 90 - digger - potatoes

Crew: French Americans: Two families (all picked unless indicated)
Mr. and Mrs. J.
4 children, 2 high school
2 junior high
Mr. and Mrs. B.
9 children, ages 2, 4, 5, 13, 12, 8, 7
(2-year-old not picking)

French Canadians: 1 adult--drove barrel truck

Local kids - 25, preschool to high school
- greatest percentage seemed to be high school and junior high

Local adults - several on trucks and in potato house

Spoke to the farmer, Mr. W. He and his son-in-law, Mr. H. shared the use of a shack for their bonded Canadian labor. Mr. W. explained that it used to be a cook shack complete with cook but that it was too much of a headache to run it that way, that the Canadians had complained about the food that was prepared, and so now they keep house for themselves. Apparently it is traditional for a farmer to advance his outside crew (Canadians, French Americans from up county, and Indians too) money for groceries at the beginning of the season, and Mr. W. said he did this for his outside labor now. When asked whether he would go to a harvester some day, Mr. W. said no, he was too old a man. Perhaps the next owner would. Mr. W. said the farm had been his father's but he had no sons to pass it on to. He was not sure what would happen to the farm after he no longer ran it.

Spoke with both the J. and B. families in the field. They both come from St. John in the Allagash area where there are no potato farms. They explained they have come down for years and years but in the past worked for another farmer. This year their old employer went to a harvester and so they had to find work elsewhere. They said they were very satisfied with their housing, said they even had a flush toilet. Also wood, electric, and water provided. The house was a well kept two-story, wood frame building across the street from the farmer's house. All the children in both families were working except two junior high schoolers and the baby. The baby was inside the house and someone was babysitting. The other two were ill, one with a stomach ache and the other with a tooth ache. None of the kids said they had minded the work; most said they would use some of it for spending and clothes. I gathered however that each family was pooling their earnings for general family use. Even the little ones had picked all four weeks and the five-year-old girl (B's) had picked 12 barrels as of around three in the afternoon. She had a miniature sized potato basket, but the barrel she dumped her potatoes into was as tall as she was.

Went down the rows talking with each school child picking. Here are some of the names and comments:

Robert - 13, for spending money
Terry - 14, for spending money
Penny - 16, "...something to do...buy clothes..."
Barby - 10, "...school clothes,...like picking too..."
Mark - 13, "...give it to my folks and they give me spending money..."

Talked with two local women each with four kids, three preschool, three elementary, and two junior high. They were strongly in favor of the harvest recess and said the money they earned was important to their family budgets.

Went to see the Canadian squatters down the road from the farmer at the cross roads of Back Presque Isle and Washburn. It was a one-story wood frame building, no nicer than the Americans' lodging on the outside. I could not communicate with the people who lived there because they spoke only French, and so I do not know whether they had a flush toilet or a shower, etc.

Field Visit Report #5

Date: Oct. 13, by S.B.

Location: Mr. C.A. farm
Easton Center Rd.
1/4 mile S. of Easton Center

Acreage: Under 75 - potatoes - digger

Crew: (all were stoop labor unless indicated)

Indians: 2 families in all
Approximately 8 children, half in primary grades
- half in secondary grades
- one baby (did not pick)
Approximately 4 adults (one older boy worked on a barrel truck)

Local adults: several
drove barrel truck and worked in potato house

Spoke with one of the older men as the crew was breaking for lunch. He explained that all were from Escasone Reservation in Nova Scotia. He told me that people from Escasone show up every year to provide Mr. A with his crew. The families were staying in a wood frame dwelling that had once served as a barn or equipment shed for the farmer. It was very near the farmer's house.

Spoke with two of the boys who said they were in the seventh and eighth grade in Escasone. They said they were missing school during the harvest.

Children of Indian Migrants from Canada

"Why do you come here to pick?" we asked the Indian leaning against the car with New Brunswick tags.

"Well, I don't know. Just for the hell of it, I guess."

"I guess you could call it just a little vacation," said one woman from Escasone, Nova Scotia.

We met, saw, or heard of over 200 Indians who had come from their reserves in four Canadian provinces to work on the Aroostook county potato harvest. (See Table I.) Some of these people had been blueberry picking earlier in the summer in Washington county, Maine, and had come north when the blueberries were all picked. About 80 of the 200 were children (under 16).

Why do they come? Historically Indians were a nomadic people, and some have said that the arrival of the Indians in Washington county for the blueberry harvest and in Aroostook county for the potato harvest is a continuation of the nomadic urge "like that of a bird" as one Indian put it. On the other hand, it's not uncommon for plenty of non-Indians to spend a month or more away from home during the year: summer vacations, winter trips to Florida, etc.

The Indians themselves say that they "always" have come to Aroostook county for the harvest. Some really feel an obligation to help out a farmer they have worked for for many years. It's a tradition, a vacation, a big party for some, and a chance to make some money, though we've gotten the impression that they don't save very much of what they earn. The children are brought along, too, in this annual trip.

Field conditions. Field conditions in the potato fields of Aroostook county are the same for everybody. They have been well documented in our first reports.

Housing conditions. We visited or heard about 21 houses for Indian migrants and have pictures of at least three-fourths of them. Each house is described in the field and housing visit reports.

TABLE I

Indians, living in Canada and coming to Aroostook county, Maine, for the potato harvest, whom we met, saw, or heard about

Province	From which Reserve in Canada	Indians we met or saw from Canada:		Indians we heard about from Canada:		Total
		Adults	Children (under 16)	Adults	Children (under 16)	
NEW BRUNSWICK	Big Cove	24	15	43	30	112
	Burnt Church			12		12
	Eskasoni	19	11			30
	Tobique	2				2
NOVA SCOTIA	Bear Lake	5				5
	Shubenacadie	4		2	2	8
PRINCE EDWARD ISLAND	Lennox Island	10	7			17
QUEBEC	Restigouche	2	3			5
?	We didn't find out.....	5	10	12	6	33
TOTALS		71	46	69	38	224*

*Total number of Indians we met, saw, or heard about.

In general we can make the following points about the houses:

- All the houses were made of wood. One had concrete flooring; the rest wooden flooring.

- Five of the 21 were two stories.

- None of the houses had running water inside the house. Some were near pumps. One house was two miles from the source of water.

- There were no showers in any.

- There were no inside toilets in any.

- There were outhouses of varying degrees of cleanliness for most of the houses. At least two did not have any outhouse.

- Stoves: There was at least one stove in each housing unit. The stove was usually a woodburning stove that supplied heat for the house as well as for cooking food. In at least two of the houses there were both woodburning stoves for heat and bottled-gas stoves for cooking.

- At least eleven of the houses had electricity. And of these at least two had refrigerators (electric) and three had TVs, all supplied by the farmer.

- Dishes, pots, pans, tables, chairs, beds, and bedding were supplied by the farmer in every case.

- The housing varied from neat, new, clean housing to old tumbling down, drafty shacks. Most seemed to us very livable (for three or four weeks) except for the lack of bathing facilities.

It is interesting to note that the housing for bonded French Canadians recruited by the Maine Employment Security Commission and coming to work on the harvest is required to meet certain standards under rules and regulations of the Bureau of Employment Security, Department of Labor, whereas the Indians, not being recruited by the MESC, have no such protection. We saw one house for bonded French Canadians, and it seemed no fancier than some of the houses Indians were using except that it had running water inside and showers.

School. Most of the Indian children we met or heard of were missing school because they had come to the harvest. We heard from two sources that the school in the Big Cove Reserve, New Brunswick, allowed children to be absent for two weeks if they were earning money for their clothes. But specific educational policies of the various Indian reserves in Canada was an area we were unable to find out much about, even with visits to the Bureau of Indian Affairs in Woodstock, N.B., and Frederickton, N.B. In one instance a lady had left her children at home so that they wouldn't miss school, and in another case a man had driven his children home so they could continue at school.

Twelve of the children we heard about were attending a local Title I migrant education project.

School Children in the Potato Harvest

We talked with school superintendents or other school officials in 15 of the 18 school districts in Aroostook county. These 15 districts, which represent about 95% of the total school enrollment in the county, contain approximately 87 public schools (17 are senior high schools), in which 27,100 students were enrolled at the beginning of the 1970-71 school year. All schools in these districts except 15 were closed for a three to four week period during the 1970 potato harvest. From previous surveys and from rough estimates by school officials in these 15 districts, we estimate that 14,650 students worked on the potato harvest in these districts. Based on population statistics of the 3 school districts we didn't visit, we would estimate another 750 students worked on the harvest. Estimate for total kindergarten through 12th grade student participation in the 1970 potato harvest: 15,400 students. (For a discussion of how we arrived at these figures, see Notes to the School Survey and Table II.)

TABLE II
Showing school districts in or partly in Aroostook county,
number of schools, total enrollment, etc.

School District	No. of Schools	Total enrollment	No. of schools closed	Estimated % of students who work on harvest (school off.)	Our educated guess about the number who work	No. of students in the free lunch program	% in free lunch program	No. in Neighborhood Youth Corps
School Union 114	8	750	All	75%	560			
SAD 1[1]	9	4,000	3 closed 6 open	65%[2]	1,700	250	6.3%	25-30 s. 12 year
SAD 10	-	-	All	-	75[3]	-	-	-
SAD 20	7	1,900	All	60 to 90%[4]	1,400	200-225	11.5%	don't have
SAD 24	6	1,900	All	90% gr. 6-12	1,400	None-reduced for all st.	-	50 s. 10 year
SAD 25	4(?)	1,095	All	30 to 50%	400			
SAD 27	6	2,618	All	75%[2]	1,950	425	16.4%	50-55 s. 12-20 y.
SAD 29	9	2,563	All	62%[2]	1,560	300	11.7%	12 year
SAD 32	4	803	All	62.5%[2]	500			
SAD 33	-	-	All	-	300[3]	-	-	-
SAD 42	3	1,100	All	50 to 70%[4]	700	80	7.3%	?
SAD 45	4(?)	810	All	80% 3-12 few K-2	480	105[5]	13.0%	don't have
Caribou	7	3,300	All	76%[2]	2,475	157	4.8%	11-12 y.
Limestone	6	3,020	4 open 2 closed	30% 6-12	265	Refused to give	-	Refused to give
Madawaska	4	1,944	3 closed 1 open	52.1%[2]	868	190	9.8%	22 summer 3-4 year
School Union 122	-	-	All	-	325[3]	-	-	-
SAD 14	4(?)	300	None closed	1.7	5			
SAD 70	6	1,000	All	20% work all the harvest	400	150	15.0%	?
TOTALS	87	27,103	15 open 72 closed		15,363			

1. SAD means School Administrative District.
2. A survey is available for this district.
3. A wild guess based on population statistics of the area.
4. The school official was very vague and uncertain.
5. 25 of these do not receive free lunches because they are too far from lunch center.

Child Need - Health and Welfare Department

In an effort to find some reliable information to support the claim that children "need," financially, to work in the harvest, we interviewed social workers and supervisors in the county's three Health and Welfare Offices.

According to the Payments Supervisor of the entire county's welfare program, there are a total of 4,997 children receiving money through family assistance and child care programs. The supervisor explained that earnings for school children are no longer reported (since 1968) so that children might have an incentive to work, and consequently there are no hard figures available on the incidence of child labor through his office. He did estimate, however, that at least half of the almost 5,000 welfare connected children, county wide, pick in the harvest and do "need" the money in a meaningful sense.

Over all, he said that families were poorer in Aroostook than in the rest of the state. Also the families are bigger. The average welfare household in Aroostook had four children as opposed to 2.7 on welfare rolls in the rest of the state. This is not unimportant to the issue for larger families have larger needs and four working children can make a considerable contribution.

Houlton office- Southern County: Mr. H., child care worker and lifelong resident of the county, discussed at length the meaning of "need" as applied to child labor in the harvest, giving the following estimates over the Houlton area:

> "...20% don't pick. Of those who do, maybe 25% would have to go without the things their earnings could buy if they did not work. Another 60% would not go without, but their parents would be burdened considerably if the extra money were gone. Another 15% pick just because everyone does..."

Caribou office- Mid County: We spoke to four people from this office. The following are highlights of our conversations:

Miss Mary B., family service:

> "...40% of my case load has working children..."

Mrs. G., child care worker:

> "...most of the families are laborers, lower middle class. They work on the harvest themselves, at Potato Service and other processing plants... 60% of the caseload kids work... preschool to high school..."

Mrs. C., family service (Presque Isle area):

> "...50% of the case load works but the figure would be higher in other areas where elementary schools are open... five-year-olds and up... a younger child earns an average of forty to fifty dollars, an older child earns over 100 dollars. One family of five earned $1,800 in a single season.

Mr. J.C., county supervisor of foster care:

> "...county wide, 375 foster children... 2/3 work in the harvest preschool on up... 100% of the high schoolers..."

Fort Kent- North County: Mrs. B., Aid to Families with dependent children; intake:

> "...There are no potato farms in the Allagash to speak of or St. John or St. Francis. Many families come down from these areas to pick in Caribou and Ft. Fairfield. They are French speaking people. Usually they will bring their whole family along with them and everyone will pick. They come because they need the money and they earn a good deal depending on the season of course... 30% of the Fort Kent office's AFDC families come from this area; that would be 15 or 20 families. Fewer come from Frenchville and Van Buren because there are local potato farms there. Few from Madawaska because of the Frazer Paper Company there... all this applies to other people also; those not on AFDC are often as poor as those who are on it. If they are employed they will use vacation time to go..."

Mr. C., AFDC - caseload:

> "... All AFDC and committed children, those who have been placed in a foster home, pick and need to pick. The whole area needs; it's a depressed area. 90% of the town of Sinclair is on some type of assistance. Van Buren is almost as high. Madawaska is lower because of the paper industry. ... They use the money for winter suits, and a heavy coat, and boots for the kids that need them. They use the money to pay back taxes. They use it for winter fuel. They use it for home repairs..."

County's Dependence on Child Labor

As children need the money they earn during the harvest season, so do many farmers need the labor children provide. The unmechanized farmers particularly see no alternative to child labor during the harvest. We asked farmers we visited throughout the county what they would do if the harvest recess were done away with next season and children were no longer available. Those with harvesters or Indian and Canadian crews felt they would not be seriously affected. Those with hand crews of children said, with surprising regularity, "I'd go out of business."

We asked the farmers who said they would go out of business why they couldn't get Canadian labor instead.

"I got no place to put them," said F.B. of Presque Isle, a typical small farmer with a harvest crew of school kids. "I'd have to build 'em a better house than I got myself. The government is strict about that. Give me a year or two with prices up around where they should be and I'd be O.K. As it is now I just couldn't afford it."

At present an estimated 35% of the county's potato acreage is harvested with hand crews composed mostly of school children.

To pursue the question of farmers' dependence on child labor further, we asked county officials the following question:

> "... One alternative to continued reliance on child labor may be the importation of larger numbers of Canadians and extended recruitment drives among the Indians of New Brunswick, Nova Scotia and Quebec. After all, if ten years ago 8,000 imports and 2,000 Indians were available, why not today?"

Here are their reactions:

Mr. S.M., Bonding agent for growers' association:

> "... oh you could do it (import more Canadian labor), you can always do what you have to do, that's not the question... What would happen? A lot of farmers would quit; they're already disgusted with the federal housing regulations. Most of them would have no alternative except to quit. Probably we could manage to drive the supply of Canadian labor back to five or six thousand, but that would only account for half of the number of kids that were picking (less than half by our figures).
>
> "... Remember, these Canadians are not migrants, they are woodsmen, they are a stable segment of Canadian society, they are not available just like that...
>
> "... The issue is between the school administrators who consider it (the recess) a bother and the wage earners who need the money. The teachers are out there driving trucks and earning money themselves.
>
> "... From the sixth grade down it's not important. A lot of the schools are phasing it (recess) out for the lower grades."

Mr. B., New Brunswick Manpower official:

> "... In the years of greatest demand, ten years ago, New Brunswick manpower office supplied 2,700 Canadians. (Quebec manpower in Riviere du Loup supplied the other 5,300.) This year we crossed 317. The quota was 350. Even with an unlimited quota we could not come close..."

Mr. J.B., Executive Director of Northern Maine Regional Planning Commission:

> "... In certain areas of Canada the number of hard core unemployed is much higher than in the U.S. But I submit to you that they don't want to work. Canada is ten times as socialistic as the U.S. They pay you to have babies; they pay you to keep babies; they pay you not to work."

Mr. E.B., Office Manager, Maine Employment Security Commission, Presque Isle:

> "... I'd agree with S.M.'s estimate; we could get a few thousand more Canadians if we had to, but not enough... Anyway, every year one-fourth of them decide they don't want to pick and they quit and go back to Canada. Then the farmer has to try to get more. (One team member saw this happen on Mr. P.'s farm in Caribou. The forty Canadians on the hand crew refused to pick any more without a five cent a barrel raise. The farmer told them they could pick for 30 cents or pack up and go, and they went back to work. The farmer said that he'd have to get at least 20 more Canadians because things were going so slow.)
>
> "... five or six years ago we had 1,200 Indians in the harvest, today there are half that many. Part of the reason is that the Canadian government takes better care of the Indians now. Family allowance will be cut if a family takes their children out of school. Government construction programs on the reservations absorb a lot of Indian labor. There is "Mainstream" (a WPA type of project) in the Passamaquoddy area. There are

government upgrading programs too (salary and vocational training for Indians). And the blueberry crops have been bad for the past few years. This discouraged a lot of Indians who used to swing down to Washington county for blueberries before heading for the potato harvest in Aroostook."

Schools that Used to Recess for the Harvest but Now Stay Open

Fifteen schools in the districts we surveyed used to close for the recess; now they don't. Why? Because the school boards in the districts were convinced that a majority of the parents of the students of those schools were opposed to a harvest recess or that a majority of the students did not work.

1) School Administrative District One's elementary schools started staying open in the fall of 1969 after a 1968 survey showed about 62% of elementary school children's parents were opposed to the recess. A spring 1970 survey showed about 68% opposed. In the same survey a sizeable majority of parents of both junior high school (grades 6-8) and senior high school children's parents were in favor of retaining the recess. Note the increase of percentage of these parents in favor from 1968 to 1970.

Parents in Favor of Retaining the Harvest Recess			
	Elementary	Junior High	Senior High
1968	38%	70%	81%
1970	29%	77%	89%
(Percentages are rounded to the nearest unit.)			

2) In the Limestone School District, the two schools (K-8) on Loring Air Force Base have never closed, according to Mr. D.B., school superintendent. In 1969, two other schools in the district, but outside of the base, did not close. According to the superintendent this was because only a minority of the school children were working the whole harvest. He did not give us a copy of any surveys of the harvest.

3) S.A.D. 14 began keeping its schools open after fifteen years of closing for the harvest, according to Mr. C.W., superintendent of schools, because only about 15% of the students were working on the harvest.

4) One school in the Madawaska School District was open this year because of a late opening due to construction.

According to four school superintendents whose schools were all closed for the harvest, there is some thought yet a lot of hesitancy at keeping the elementary schools open and closing the high schools during the harvest because it costs the taxpayer more money when some schools are open in a district and some are closed.

Comments of School Superintendents on the History and the Future of the Harvest Recess

A lot of different versions of the history of the harvest recess were related to us. What seems certain is that there have always been some school children available during the harvest. One superintendent said that before 1945, school didn't begin until after the harvest. Another said that schools in his district had closed for "50 years or more."

None of the school superintendents we talked to liked having a harvest recess. "It's a disadvantage to education," said some. "The crux of the problem is that it's an administrative nuisance," said another. But most mentioned the labor bind of the farmers in their districts and the financial benefit of the money earned during the harvest to needy students.

We asked, "What would happen in your district if there was no harvest recess next year for all grades?" Here are a sampling of answers:

> "What would the farmers do?"
>
> "It's not going to happen."
>
> "We'd lose about 25 to 30% of our students."
>
> "Not very many students would go without food and clothes."
>
> "The farmers would have an awful employment problem."
>
> "Nothing would happen!"
>
> "There would be something of a minor rebellion in some circles."
>
> "I'd be happy as hell."

On the future of the harvest recess in their respective districts:

> "With the knowledge I have now, I can't see discontinuance of the recess /in the upper grades/."
>
> "Even if all the farms in the district had mechanical harvesters there would still be a need for students 16 and over to work."
>
> "No change."
>
> "There would always be a need for a recess."
>
> "The recess would be done away with in the near future."
>
> "Even if the harvest was completely mechanized there probably would always be a need for senior high schools to close."

Title I Project - Migrant Education

Mrs. E.M. ran two schools over the four weeks from September 21 to October 21 for the younger children of migrants in Aroostook for the potato harvest. The schools, in Monticello and Mars Hill, were held in public school buildings with four or five salaried teachers in charge of the 50-some children in attendance. The children were recruited by Mrs. M. who went to county picker shacks to seek her clientele. Over half the children, some 25, were North American Indians from

Canada. The rest were, according to Mrs. M., whites: four from Roxbury, Mass., three from Rhode Island, and four from Connecticut. We visited one of the schools in Monticello, taught by a young and very capable teacher, Miss V.M. The day that we went to the school, Miss M. was far more than a glorified babysitter. She engaged the children, most of them of preschool age, in picture card games, art projects, and a reading circle. There was also a good lunch, an exercise period, a little tooth brushing instruction, and a nap period for the younger children. Several of Miss M.'s class were local residents who were too young to pick in the harvest.

Harvest Accidents

We witnessed no accidents to adults or children during the harvest.

We met one young woman who had been in an accident on a mechanical harvester: Miss B.P., 21 years old, living on Route 227 a few miles west of Presque Isle had fainted once while working on a mechanical harvester. Luckily the other workers caught her and prevented her from falling into the moving belts that could have chewed her up.

We heard of several accidents that had occurred in past years:

> Mr. M.B., town manager of Washburn, and his secretary (interview of October 1, 1970) recalled four accidents in rather sketchy detail; all accidents occurred on the mechanical harvesters:
>
> 1) A boy lost an arm in Mapleton.
> 2) A girl lost an arm in Washburn. This is a famous accident where the doctor came right into the field, put a sterile sheet over the harvester and amputated the girl's arm on the spot, so mangled had it become in the machine.
> 3) One girl's hair was caught in a harvester and she was quite literally scalped.
> 4) The wife of one farmer was working at cleaning out the machinery. She was on the conveyor when the farmer started up the machine. Her legs were mangled.

It is not against the law for a farmer to use his own children of any age on his own farm machinery, but we heard general comments by a number of people of how stupid it was for farmers to use under-16 children on their machinery and how dangerous the harvesters were. Evidently the safety guards on harvesters are optional, and even if a farmer buys the harvester with the guards, he is apt to take them off so time isn't wasted during the harvest if a repair is necessary. (Talk with a man in the Lynz machine shop in Houlton, September 29.)

Chemicals Used for Growing Potatoes

(This information comes mostly from Mr. D.McC., a potato farmer in Houlton. Interviews occurred on September 25 and October 13. Actually they were informal talks. Mr. J. McC., son of D., was also very informative about chemicals and other aspects of potato farming. Very good people.)

Nine or ten times a season, chemicals are sprayed on the potato fields:

First there's an application of insecticide: *DDT* used to be used, but now it's forbidden. Mr. McC. used *Parathion* this year (he says it's very dangerous), but said that the ICC has outlawed it. He had a supply left from the year before. The Agriculture Department has recommended the use of *Thiodin* and *Endrine*, he said.

Then, while the plants are growing, a chemical called *Bodo* is applied six or seven times during the season. (He didn't know the chemical composition.) This is a blight deterrent.

For top-killing, he used a chemical called *Sinex* this year. It is mixed with fuel oil and sprayed. (The fuel oil makes it easier to spray.) In past years, *sodium arsenite* has been used, but the ICC has forbidden its importation into any state. Supplies on hand were used by some farmers.

Incidence of Irritation to Individuals Due to Chemicals - During the Harvest Period

We met only one person who complained of irritation to her feet by the top-killing chemical (she thought). Mrs. R.L., working on Mr. K.S.'s farm in Robinson, said her feet had been irritated by something in the fields, probably the top-killer (potato vine killing chemical). She had a small bandage on one foot.

We heard of one person (now dead) who was allergic to the chemical used in vine-killing. "She used to be one of my best pickers," said Mr. McC. "But when we started using the chemical top-killers, she had to stop."

Spray Applications We Witnessed

We personally saw application of chemicals two times:

1) R.T. was working on the farm of Mr. C.P. 40 French Canadian adults, about 4 children under 16 of the farmer's family, about 6 local adults were picking on the field. The farmer sprayed an *anti-blight chemical* on the very field we were picking. The sprayer came within 20 feet of the pickers, but we noticed no smell of chemical or irritation. (This action seemed to be an exception to general practices.)

2) On Sunday, October 4, we were surveying house-to-house on the Presque Isle-State Roads road (Route 227). A helicopter was zooming around spraying top-killer. There was a "big wind," and the smell of the chemical was strong even from a distance. No one picking, but there were houses around.

Conclusion

In general chemicals are not sprayed on the fields while the pickers are working on those fields. The danger to pickers would be the residue of chemicals on the dead vines or in the ground he worked on. (There presumably would be a danger to those who apply the chemicals--a greater danger than to the pickers--but we did not investigate that problem.) Of the fields we visited during the harvest, only in the one mentioned above did we see a sprayer in action while pickers were working.

E. CALIFORNIA This survey[1] is the California portion of a national American Friends Service Committee study of migrant children working in agriculture. It was conducted by two college students during July, 1970. The study involved 229 children working in agriculture in California, covering six counties (Fresno, Monterey, San Benito, Santa Clara, Sonoma, and Sutter-Yuba) and thirteen cities.

The basis of this study was a short questionnaire drafted in June, 1970, and administered to 82 working families in July, 1970. We supplemented the questionnaire with library research and interviews with growers, community organizers, government officials, workers, union organizers, and other relevant people. We requested the following information in our questionnaire:

1. Resident or migrant?

2. Ages of children eighteen and under working or helping in farm work. Do they have their own social security card? If not, whose do they work under?

3. In the area where your children work, or last worked, are there toilets that are clean and usable?

4. In the area where your children work, or last worked, is there clean drinking water readily available?

5. During the last two years, have any of your children suffered from illness or injury due to pesticides used in farm work?

6. a. Did any of your children do any farm work yesterday?
    b. If yes, how many?
    c. Approximate number of hours worked?
    d. Total earnings of children?
    e. Which crop?

7. Estimated earnings of your entire family in farm work last year?

8. Name and address, if you wish?

The questionnaire was designed to ascertain the extent of compliance with various California laws pertaining to labor in agriculture, in order to expose discrepancies between the laws and their enforcement and stimulate action to bridge that gap. Our survey is particularly concerned with minors, and all questions except for question seven apply specifically to working children eighteen and younger. Unfortunately, responses to question 6 often included the total daily earnings of the entire family rather than children alone (families working according to piece rates were often paid by only one check). In addition to violating California labor law, this practice precludes the possibility of calculating the individual hourly wage of each child or distinguishing between minors sixteen and older (who are covered by minimum wage laws) and those under sixteen (who are not). In some cases, families had forgotten or not been informed of their wage rates, and could only estimate wages. This, too, indicates violation of California law; employers are required to provide frequent wage reports and post prevailing wages. Therefore, responses to question seven, concerning annual earnings, were so vague that we completely discarded that question. The Assembly Committee on Agriculture reports similar ambiguities with regard to estimated annual earnings in their 1969 report on farm labor.

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[1] The California Survey was publicly released in August, 1970.

Similar imprecision characterizes question five, concerning illness due to pesticides. Although response to this question clearly indicates that the children in our sample are not as healthy as non-working children, we lack the medical expertise to specifically link the various illnesses reported to pesticide usage. Consequently, Section II of this paper relies heavily on medical reports from other studies.

We conducted the questionnaire according to the following schedule:

Date	Place	Crops
July 6, 7	Santa Rosa, Sebastopol, Healdsburg, Sonoma County	Apples, chili, prunes, tomatoes.
July 11, 12	Hollister, San Benito County	Apricots, onions.
July 13, 14	Hollister, San Benito County Gilroy, San Martin, Santa Clara County	Cucumbers, garlic, strawberries.
July 15	Salinas, Gonzales, Monterey County	Apricots, tomatoes, strawberries, non-harvest work.
July 24, 25	Mendota, Raisin City, Del Rey, Fresno County	Melons, tomatoes, peaches, nectarines, chili, plums, peaches, grapes.
July 29	Marysville, Gridley, Sutter-Yuba County	Olives, peaches.

Because we realize that our survey is not strictly representative, we have tried to rely on specific observations and situations rather than making abstract generalizations. Although we used other surveys, we have tried to limit their use to clarifying our observations and placing these observations in larger contexts. Fundamentally, we are describing situations that we have encountered and trying to understand the consequences of these situations for the people who experience them as the basis of their daily existence. Our understanding is limited because we are not, and probably never will be farm workers. We are students at an elite university. We have generally lived in large cities, in comfortable, stable surroundings, amply rewarded for our performance in our social roles. Although we do not reject this background, we realize the limitations it places on our analysis. Nonetheless, this report is a legitimate record of certain aspects of California agriculture. The conditions we describe are part of everyday reality for over 350,000 agricultural workers in California. The statistics we quote are not numbers; they are real people, working for inadequate wages and unnecessarily contracting dangerous illnesses. Our goal has been to stimulate action to change these conditions; we hope that this report is not simply dismissed and added to the already overstocked pile of neglected exposés.

Wages - Working Conditions

This section will give background to and discuss the implications of our experiences in studying farm labor, with special attention to wages and working conditions. It includes a brief description of harvest work, further information on compliance with and enforcement of minimum wage and other labor laws, a summary of our observations of infringements of farm workers' rights by unfair employment practices, a general discussion of farm workers' low standard of living, and a conclusion on the importance of the United Farm Workers Organizing Committee (UFWOC). Throughout the report are a series of recommendations for improving employment practices in agriculture.

We should begin with a description of actual working conditions in the fields. There are three major methods of transportation to and from work; some workers ride buses or pick-up trucks provided by employers at a central location which may be a fair distance from the farm. After the working day is over, they return to the central depot. None of the day-haul laborers in our sample were compensated for this travelling time.

In another common situation, families live on the ranch on which they work. They just walk a few steps to the job. Lastly, families may drive to the fields from their home in town or a nearby work camp. Often, the cost of travelling long distances prohibits the farm worker from the mobility he needs to find employment.

During the period of our study, temperatures ranged from about 80 in Santa Rosa in early July to 105 in Fresno County late in the month. Because of this intense heat, farm work usually starts early in the morning (5:00 - 6:00) and ends by mid-afternoon. Within these limits, the working day varies in length from a few hours (two hours was the shortest working day in our sample) to ten or more hours at the peak of the harvest for highly perishable crops. Approximately 17% of the children in our sample worked more than eight hours per day. According to California Labor Code Sections 1391 and 1394(a), minors fifteen years and younger working in agriculture are not permitted to work more than eight hours per day (Labor Code Section 1394(a) exempts minors sixteen years and older from Labor Code Section 1391, which limits working hours for all minors). Our survey of length of working day does not distinguish between those older and younger than sixteen. However, since 61% of our sample is younger than sixteen, it is reasonable to conclude that a substantial number of children under sixteen are working more than eight hours per day, in violation of California law (See Tables I and II).

TABLE I

TOTAL NUMBER OF CHILDREN IN SURVEY

Total	229	100%
Under 12	43	19%
12-15	96	41%
16-18	90	40%

TABLE II

HOURS WORKED PER DAY

Over eight (8) hours	33	16.9%
Under eight (8) hours	162	83.1%

Although harvest work in California takes many forms based on the diversity of crops, no harvesting job requires great expertise or special skill. Harvest work is always extremely taxing, especially in the heat, and can be seriously detrimental to workers' health, especially children's. The phrase "blue-sky sweatshops" still applies. As discussed in greater detail later, we doubt that farm workers are adequately compensated for their exertion and health risks.

For a fuller description of harvesting methods, we will use the common distinction between "stoop crops" and "tree crops," and add a third category, "row crops," for a few crops which don't seem to fit well into either category. (Row crops are grown in long rows; a crew or family is assigned a few (10-15) rows for a day or a season. Often a crew will simultaneously be assigned to areas in a few fields and rotate so the plants can renew their yield after intensive picking.)

In harvesting stoop crops, like strawberries, cucumbers, garlic, chili, and onions, the worker moves along the row on his knees or stooped over, back sharply bent. Pushing a little barrow or carrying a pail or sack, he picks the fruit off the ground plants until his pail or basket is full. Then he carries his container to the end of the row, gets a new one, and returns to stooping and picking. Onions and garlic are also "topped"; that is, tails and whiskers of the plants are cut off before they are ready for further processing. The approximate piece rates for stoop crops that we studied, with the range of production per hour, are:

CROP	PIECE-RATE	AVERAGE RATE	HOURLY WAGE
Strawberries	\$0.70 - \$1.00/crate	2 crates/hr.	\$1.40 - \$2.00
Onions	\$0.20 - \$0.50/sack	1 sack/hr.	\$0.20 - \$0.50
Garlic	\$0.50 - \$0.75/pail	3-4 pails/hr.	\$1.50 - \$3.00
Cucumbers	\$15.00/bin	1 bin/hr. (family of five)	\$3.00 (per person)

Often, fruits and vegetables are sorted according to quality at the packing house. Wages then vary according to grade, with the farmer and worker splitting the price of the bin fifty-fifty. In these situations, wage determinations are in the hands of the packer, not the farmer.

Usually, men who are willing to work long hours harvest tree crops, like peaches, pears, and apricots. To get the fruit from the tree, the worker climbs a ladder (5-20 feet) and fills the sack he carries across his chest as quickly as possible. Falls are common. Often, family members will assist the men by picking up fruit that falls to the ground.

Row crops, like berries and grapes, are the easiest to pick. The worker walks along the row picking fruits from bushes or vines, filling the crate he carries around his neck or in a hand-held basket; the wage on the one berry farm we visited in Sebastopol, Sonoma County, was $0.12/crate. The crates were immediately divided into small boxes and sold at $0.50/box.

Wages are often paid hourly rather than piece-rate (based on quantity of crop picked). However, families tend to work on a piece-rate basis. Since hourly workers enjoy more security and generally higher salaries than piece-workers, growers who pay by the hour can choose the most efficient workers from the large agricultural labor pool. Usually they hire single men, thus avoiding the trouble of checking each child for social security cards and work permits, and providing individual homes for families rather than barrack-like residences for single men. Moreover, children are often unqualified to do non-harvesting jobs, such as maintenance and machinery operation, which are usually hourly jobs. Thus, working families, in which women and children work because the head of household cannot support everyone, are often forced to accept piece-rate jobs with inferior wages and working conditions, greater uncertainty, and short periods of employment which increase the instability caused by frequently changing jobs and residences.

Because of this uncertainty, families are more susceptible to certain forms of coercion and exploitation common in the agricultural labor market. One example of such coercive mechanisms is the "deferred bonus." Often, in piece-work, a small portion of the posted wage is withheld, to be paid as a "bonus" at the end of the season. If a worker quits before the end of the season, he forfeits his "bonus." We found examples of withheld "bonuses" in apricot farms in Sonoma County, and cucumber and prune farms in San Benito County.

According to the farm owners, the basis of this deferred bonus plan is to insure that low-yield fields (including low-quality fields and fields which are on their sixth or seventh harvesting) will be picked. By deferring part of the worker's wages until the end of the harvest, the worker is obliged to pick in these low-yield fields, regardless of how poor the piece-rate wage becomes. (Farm owners contend that if piece-rate compensation becomes too low, prices per unit quantity are raised to provide acceptable wages.)

At first glance, then, it might seem that the practice of withholding bonuses is necessary to ensure that a stable and dependable labor force in piece-work is available. However, California Industrial Welfare Commission Order 14-68, Section 3, requires that a minimum hourly wage ($1.65 for adults and $1.30 for minors sixteen and over) be paid to eighty per cent of all piece-workers. If most piece-workers earned a minimum stable wage, there would be little motivation to leave the fields in low-yield periods; wages would always be reasonable. (Similar conditions would prevail with hourly wages.) In short, a stable wage, as prescribed by law, would ensure a stable labor force. The widespread practice of the bonus plan, then, suggests that there is no such stable wage; that is, that many farmers are avoiding paying the legal minimum wage by employing families on a piece-work basis and using various coercive practices to keep workers from seeking better wages or complaining to state authorities.

This hypothesis substantiates the average hourly piece-work wage in our sample - $1.04/hour (See Table III). This is twenty per cent below the minimum wage for minors sixteen and older ($1.30). Although our wage survey did not distinguish between minors older or younger than sixteen (those under sixteen are not covered by the law), we find in these statistics dramatic evidence of widespread violation of the law.

TABLE III

AVERAGE WAGE PER HOUR

	Number	Percent	Wage
Children paid hourly wage	22	12%	$1.69/hour
Children paid piece-rate	163	88%	$1.04/hour
Total	185	100%	$1.12/hour

Moreover, the practice of withholding bonuses is in direct violation of other laws, even if the legal minimum is paid. Labor Code 208 reads: "An employee who quits shall be paid seventy-two (72) hours of when he tells his employer of his intention to quit." The refusal to pay bonuses to men who quit violates this law. Two other statutes, pertaining to farm labor contractors, clarify the spirit of the law with regard to the ambiguity and slackness of the "bonus" system. Labor Code 205 reads: "Workers employed by a farm labor contractor shall be paid at least every two weeks, and payment shall include all wages earned up to and including the fourth day before the pay day"; Labor Code 1695 reads: "A farm labor contractor shall post, both at the job site and on all vehicles he uses to transport workers, the rate of compensation he is paying his workers..." In combination, these statutes outlaw the practice of withholding "bonuses." Nonetheless, this method of coercion continues.

Another related practice is the withholding of all wages until the end of the harvest. This, too, encourages workers to stay until the end of the harvest, and severely hurts those with marginal incomes. We also heard reports of contractors who withhold wages after migrants move on and never forward the wage checks. However, we did not have a chance to verify these reports. These practices violate Labor Code 208. Labor Code 1695, pertaining to posting wages, is also frequently violated; we never saw posted rates although we visited many job sites.

Another form of coercion which families are exceptionally vulnerable to can be called "housing coercion." Workers often live, occasionally rent-free, in grower-owned homes on the ranch or in nearby labor camps. If they quit and find another job, they are told to move out. The grower's eviction power is also used to prevent workers from complaining about working conditions and wages. We heard reports of such incidents in Sonoma, San Benito, Monterey, and Fresno Counties. In many of the work camps we visited, we sensed an atmosphere of fear and coercion. In a camp in Mendota, Fresno County, for example, our interpreter explained that camp residents felt threatened with loss of their job or place to live if they told anyone about Mexican illegals living in the camp or criticized working conditions on their farms.

Another coercive practice we encountered was a response to camp residents' actions against housing coercion. With the help of California Rural Legal Assistance, residents at the Posada camp in Salinas, Monterey County, obtained a court order preventing the camp's owner (a local corporate farmer) from evicting families who found new jobs but had arranged to stay in the camp for the season.

Camp residents told us that the owner immediately added extra checkers to grade their workers' cucumbers extremely rigorously, effectively lowering wages. This is another example of growers' manipulation of working and living conditions to exercise control over farm workers. Such examples are common, although often very subtle. When workers are dependent on their employers for food and housing as well as a job, their relationship to those employers is one of relative powerlessness. Growers often take advantage of these inequalities. Consequently, farm workers are often unaware of their legal rights, of possibilities for financial, legal, medical, and educational assistance, and so on. They often seem intimidated, reluctant to organize to gain their own power or even to make small complaints to state agencies. This aspect of the farm labor situation in California is complex and not easily remedied. Some of our ideas about response to this situation will be proposed in the conclusion of this report. Before conclusion, we will continue to describe the extent of compliance with laws pertaining to agricultural wages and discuss some of the implications of our findings.

Industrial Welfare Commission Order 14-68, Section 6(b), reads: "All employers shall furnish to each minor and female worker, when he is paid, a written statement showing the payroll period covered, gross wages paid, and all deductions from his wages. Labor Code 1696.5 reads: "All farm labor contractors shall furnish to each worker, when he is paid, a written statement showing all deductions from his wages." We found numerous examples of women and minors who were paid without statements of any kind in every county we visited. Often, entire families were paid by one personal check without any wage statement. Sometimes workers were unsure about the length of payroll period and deductions, and we were told that legally required deductions, like social security and workmen's disability insurance, were often not deducted. In many families, children work without social security cards; their wages are assigned to parents or older siblings. This was the case for 27.5% of the children in our sample, 79.1% of those under twelve, 28.1% of those 12-15, and 2.2% of minors 16 and above (See Table IV). This violates federal regulations and IWC Order 14-68, Section 6(a). For those under twelve, working without a card lessens the possibility of detection by employers who seek to obey the law. (It is illegal for minors under twelve to work in the state of California.) Last, working without social security cards deprives minors of possible benefits and saves employers the expense of their share of F.I.C.A. withholding.

TABLE IV

CHILDREN WITH SOCIAL SECURITY CARDS

	Number	Cards	No cards	% - No cards
Total	229	166	63	27.5%
Under 12	43	9	34	79.1%
12-15	96	69	27	28.1%
16-18	90	88	2	2.2%

In a sense, working with only a few social security cards benefits families because their already low take-home pay is not depleted by deductions which will only be useful to children in the distant future. However, families should not be so poor that they cannot afford to pay for benefits to which all workers are by law entitled. That it is even possible to argue that failure to comply with social security regulations is beneficial to farm workers reflects the same irrational situation that forces entire families to work in the fields.

Another result of assigning many children to one social security card is to inaccurately raise statistics (especially federal statistics) concerning average agricultural wages. If the number of social security cards is used as a source for the number of workers, then the calculated average wage per worker will appear deceptively large.

Generally speaking, then, although they are not sufficiently enforced, California's agricultural labor laws (on paper) provide for the rights of the state's farm workers. The law provides for minimum wages, "show-up pay," regular paydays, minimum health and sanitary standards, etc. Except for the extension of Labor Codes governing farm labor contractors to all farm employers, our only recommendations for law reform pertain to minimum wage laws. These proposals will be discussed at the end of this section.

Unfortunately, our experience throughout the state suggests that enforcement of these laws is lax. Enforcement agencies are usually understaffed and enforcement procedures are slow and unreliable. Many agencies are involved in law enforcement in agriculture, but enforcement effectiveness is erratic, varying from county to county and agency to agency. Almost all the relevant agencies are state agencies, and jurisdictions are usually divided by county. The following agencies are responsible for agricultural labor law enforcement:[1]

(1) Division of Industrial Welfare, Department of Industrial Relations, is responsible for all aspects of working conditions for women and minors covered by the very comprehensive Industrial Welfare Commission Order 14-68. This includes sanitary conditions in the fields where women and minors work, limits on hours and age of workers, minimum wages, etc. In one area we studied, one roving enforcement officer is responsible for six counties (lower Alameda, Monterey, San Benito, Santa Clara, Santa Cruz, San Mateo).

(2) County Health Departments are concerned with regulations pertaining to sanitary facilities, pesticides, and housing conditions. Their success is discussed in the other section of this report.

(3) Division of Labor Law Enforcement, Department of Industrial Relations, is specifically involved in wage claims and other violations of laws regarding wages, although theoretically concerned with all aspects of labor law.

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1. The information for this section is based on, in addition to our observations, conversations with Louis Braun of the Farm Labor Service in Salinas, Jess Escovido of the State Health Department, Sutter-Yuba County, Dave Kirkpatrick, California Rural Legal Assistance, Salinas, Eugene Sherree of the Division of Industrial Welfare, San Francisco, Walter Wong of the State Health Department, Monterey County, and personnel at the Department of Labor Law Enforcement, Salinas.

The procedure followed by these agencies begins with following up complaints by inspections or on-going inspections without complaints, depending on the size of the staff. In either case, if inspection reveals violations, enforcement officers order that the situation be remedied, often arbitrating wage claims. Although empowered to initiate prosecution, these officers rarely do, preferring more moderate sanctions, such as ordering local offices of the Farm Labor Service to stop sending workers to a violator's farm, or issuing orders to the farmers. The reluctance to initiate prosecution weakens enforcement officers' effectiveness. Issuing an order to a farmer, or withdrawing the help of the Farm Labor Service lacks sufficient deterrent power (According to a report of the Assembly Committee on Agriculture, less than ten percent of the labor force finds jobs through the Farm Labor Service.[1])

Another weakness of these enforcement procedures is the long interim between complaint and response. In the six-county area mentioned above, complaints to the Division of Industrial Welfare wait at least one to two weeks for action; often complaints are never followed up. Two weeks is a long time to work with a stopped-up toilet or no drinking water. Long interims might mean a significant wage loss, especially to poor farm workers who often have little financial security. Often, conservative compromises between growers and complaining laborers will have already been arbitrated, or the offended workers will have already moved on to a new job.

Compared to the Division of Industrial Welfare, the Division of Labor Law Enforcement is doing a reasonable job. The staff is slightly larger (two men full time) while the jurisdictions are smaller. (For example, the two man team working out of the Salinas office worked in three counties.) They are able to make some inspections as well as spending time following up complaints. However, the large size of the counties, the many farms, and the thousands of workers in the area make comprehensive, effective enforcement impossible by such a small staff. It is therefore not surprising that we found so many violations in areas where enforcement officers were working. The size of the task is compounded by workers' reluctance to complain, and the piecemeal effects of lawsuits against growers. The result of this situation is that the realities of California agriculture are far from the proscriptions of its laws.

Obviously, enforcement agencies must be strengthened. Their budgets should be increased greatly and enforcement officers must use their powers as actively as possible. With adequate staff, enforcement officers would be able to actively police the farms, as is necessary. Recent concern for law enforcement has overlooked the responsibility of farm labor law enforcement personnel to preserve "law and order." These laws, which protect the rights of laborers and repress no one, must be enforced if the "law and order" administrations of the state and nation want to be consistent with their slogans, and move beyond the hypocritical bigotry that has too often characterized their practice. It is tragically ironic that recent emphasis on law enforcement has focused on the repression of Americans who challenge the system and ignored laws which protect the interests of those who are relatively powerless.

Adequate law enforcement is especially important for minimum wage laws. Because of the seasonality and low wages of their profession, farm workers are among the poorest groups in California. Violations of minimum wage laws are therefore very harmful to farm workers. Our experience of the large extent of such violations convinces us that a reasonable minimum wage is crucial to the welfare of California farm workers.

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[1] State of California Assembly Committee on Agriculture, The California Farm Labor Force: A Profile, Sacramento, 1969, p. 19.

Therefore, the minimum wage provisions of IWC Order 14-68 should be extended to minors twelve to fifteen. Their rights and their labor are as legitimate as their elders'. In light of the difficulties and dangers of agricultural work, especially to younger children, an hourly wage of approximately $1.00 is definitely inadequate. The personal costs of agricultural work (loss of educational opportunities, high health risks, rootless home life due to continued travel) are greatest among children. A similar analysis leads us to recommend that the minimum wage be *uniformly* set for men, women, *and minors*. Although minors may not be as productive as adults, they must be compensated for the high personal costs of becoming farm laborers.

Last, we recommend that the legal minimum wage must be raised from $1.65 per hour. This is hardly adequate to support a family, especially in light of the seasonal nature of most agricultural employment. Even if this law were scrupulously enforced, many farm families would still be living at or near poverty levels, and children would still have to work. *The California Farm Labor Force: A Profile*, a report of the Assembly Committee on Agriculture, provides data about the low economic status of California farm laborers. Although this report uses 1965 as a sample year, our observations suggest that conditions have not changed greatly since this report was written.

According to this report, 202,000 of 486,700 farm workers (42%) have total annual earnings in the state of less than $1,000. Although many of these workers are short-term workers (56%) or migrants with possible out-of-state income, "at least 64,500 were very low earners in the labor force more than half the year but earning under $1,000 in total wages."[1] The median farm earnings for 1965 were $763; *the median total earnings were $1,388*. This means that half the farm workers in the state earned less than $1,388 in the entire year, and 85.5% of California farm workers earned less than $4,000 in the entire year.

These statistics emerge from the report's sample although in calculating average income, its authors eliminated one-third of the labor force that earns less than $100 per year.[2]

The implications of this report for families are similar. *The median total family income for families with one or more members working in agriculture was $3,444*. To worsen the tight financial squeeze, farm families tend to be large. "Forty-two percent of the workers live in family units of five or more persons..."[3] The median annual income for families of five persons is $3,772. Finally, the survey reports that "median income did not appear to rise with the size of the household."[4] Thus, the Assembly Report confirms our observations that many employed farm workers had marginal incomes and large families, living on the borders of officially declared poverty and certainly always far from the standards of financial security which so many of us have taken for granted.

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1. State of California Assembly Committee on Agriculture, *op. cit.*, p. 13.
2. *Ibid.*, pp. 11-13
3. *Ibid.*, p.25.
4. *Ibid.*

This situation would be more fortunate if farm workers were able to take advantage of the seasonal nature of agriculture and supplement their farm incomes with non-farm work. However, most workers depend on agriculture for most of their income. Sixty-one percent of agricultural families derive all their income from farm work; 70% of families derive more than 80% from farm work.[1] Nor is public assistance very important: "... most families headed by a farm worker are completely dependent on wages for their family incomes ... about 76.4% of farm labor families receive no income from such (income) supplements."[2]

This situation is most harmful to working children whose education and physical development suffers greatly:

> "Forty-six percent of the farm workers did not complete the eighth grade. About seventy percent of the workers who did not complete the eighth grade were Mexican.... This picture is changing.... still it is questionable whether the educational level is rising enough to meet the needs of an increasingly complex, mechanized agri-business."[3]

Later, the report elaborates, "Lack of education prevents many farm workers from finding year-round employment.... Lack of education not only limits his opportunities but may make him less useful to the grower..."[4]

These conclusions correspond to the many young people we met who rarely considered employment possibilities outside of farm work. The comparatively low expectations of rural farm workers and the cycle of poverty described above are manifestations of farm workers' low power and status in the state of California.

Because of the depth and complexity of these problems, we conclude that solutions to the problems of California farm workers can not come from limited reforms like tightening and enforcing labor laws. Although such reforms are important, farm workers will begin to solve their own problems only when they organize to assert their own power.

As we have seen, piecemeal governmental reforms have limited effects and are full of problems. Law enforcement in agriculture is difficult, cumbersome, and unreliable. Moreover, the maintenance of adequate enforcement staffs would be very costly, and might create another unwieldy, wasteful bureaucracy. Workers should not have to rely on the state government to protect their interests. In addition to the potential inefficiencies of every bureaucracy, some administrations may neglect their duty to look after farm workers' interests. The recent budget cuts in the Division of Industrial Welfare is an example of such neglect.

In short, agricultural law enforcement is necessary, but must not distract us from the larger issues involved in agricultural labor in California. Farm workers must depend on their own power. Thus, they can effectively improve working and living conditions while establishing a situation of group self-reliance and self-respect. The need for such a change in climate is especially important because so many farm workers are Chicanos, who are oppressed as members of a minority group as well as at work.

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[1] State of California Assembly Committee on Agriculture, op. cit., p. 27.

[2] Ibid., p. 91.

[3] Ibid., p. 25.

[4] Ibid., p. 33.

The most obvious, and probably most important, example of a movement to assert farm workers' power is the United Farm Workers' Organizing Committee. Contracts like those signed with grape growers deal with many of the problems discussed in this report. These contracts provide for an hourly wage of $1.80 per hour plus $0.25 per box picked. If a man picks three or four boxes in an hour, he can make more than $2.50/hour. This is above the total hourly wage for most of the families with whom we spoke. Therefore, children of union families will not have to work, and can devote their energy to growth and education. Moreover, the increased dignity and equality of union work will raise family spirit and expectations. Raising the wage can thus reverse the downward spiral discussed above.

In addition to raising the wage, the union contract provides for greater job security, standard hiring procedures, pesticide controls more rigorous than California law, adequate sanitary facilities, grievance procedures, and a medical plan financed by employer contributions. While duplicating many of the provisions of state law, the union contract moves beyond the law by maintaining standards through procedures internal to the industry which depend on the power of workers as well as growers. According to our analysis, such relationships of mutual power are necessary to protect the rights and interests of farm workers in this state, and offset the inequalities which hinder them from controlling their own lives.

Health

Although the paper is divided into two sections (wages and health), it is crucial to understand the intricate connection between the two and their mutual reinforcement. There is little doubt that agricultural labor is one of the most dangerous occupations, but because of the low wages paid, medical care is severely lacking. (The United States Senate Subcommittee on Migratory Labor stated, "The average per capita health care expenditure in 1967 for one million migrants was $7.20, compared with an average per capita health care expenditure for Indians of $170.15, and for the total population of $200.00."[1] Clearly, unless wages increase or extensive outside services are made available, the spiral of low wages maintaining poor health will only worsen. Abraham Ribicoff, former Secretary of the United States Department of Health, Education, and Welfare, stated the problem most clearly:

> "Migrant agricultural workers are among the most underprivileged citizens of the United States from the standpoint of their health conditions and their opportunities to receive health services. Their living, working and travel conditions are generally substandard and result in serious illness and accident hazards to all members of their families. Their income is uncertain, irregular, and seldom sufficient to enable them to pay for needed health care. Their work requires frequent movement from place to place over extended periods of time. Their generally low level of education is reflected in their inadequate knowledge of good health practices."[2]

To ascertain the health conditions of children working in the fields, we

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1. United States Subcommittee on Migratory Labor, The Migratory Farm Labor Problem in the United States, p. 28.

2. California Department of Public Health, Occupational Health of Agricultural Workers in California, p. 17.

decided on a two-pronged approach: first, we wanted to specifically identify the level of compliance on the part of farmers concerning sanitary conditions in the field (which includes proper toilet facilities, handwashing facilities, and availability of drinking water); secondly, we wanted to approximate the number of children who had suffered from illness possibly linked to pesticide usage during the last two years. The following two sections will deal with each of these questions separately, analyzing our findings, citing relevant previous data, and recommending alternatives for improvement.

1. Sanitary Conditions in the Fields

The reason why we chose to investigate sanitary conditions in the fields was not simply to document statute violations, but rather to show that the minimal necessary health standards for agricultural workers (including children) are not being enforced. The California Department of Public Health has stated unequivocally,

> "The four major occupational diseases, heat stroke, poisoning by agricultural chemicals, food poisoning and skin conditions can be largely prevented by the availability of water for drinking and washing, and by the availability of sanitary facilities."[1]

Dr. I.W., a doctor at the University of California, Berkeley, also concludes, "Both water and soap are vital to the prevention of the most prevalent and most serious occupational diseases occurring on the farm."[2]

The law explicitly establishes regulations concerning the existence and maintenance of field toilets, washing facilities, and drinking water. The State of California Industrial Welfare Commission Order No. 14-68 regulating wages and working conditions for women and minors in agricultural occupations states:

(a) An employer shall provide workers with suitably "cool, fresh, and pure" drinking water during working hours. Individual paper cups shall be provided or sanitary drinking fountains.

(b) Employers shall provide adequate toilet facilities, readily accessible to the employees. Adequate facilities include water flush toilets, chemical toilets, or sanitary privies. Toilets shall be designed, constructed, and maintained so as to prevent the access of flies to the excreta. Toilet paper shall be provided within the toilet unit. Furthermore, it shall be the responsibility of the employer to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

(c) Employers shall provide handwashing facilities with pure, wholesome and potable water. Soap or other cleansing agents shall be made available. Suitable signs shall be posted, indicating that the water is for handwashing purposes only, and not for drinking.

In collecting the data for our survey, we relied on the impressions of the farm workers themselves as to the conditions of the toilets and other facilities. Whenever possible, we would verify these impressions with our own inspections of the facilities and found that, if anything, farm workers were too lenient in assessing compliance with the law. Often, individual violations (such as lack of paper, inadequate screening, etc.) were not mentioned, so that our results tend to give a better picture than what may actually exist. Table I outlines the results of our survey. The results clearly indicate that at least forty percent of the farms where children work have one or more violations of the law.

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[1] California Department of Public Health, op. cit., p. 17.

[2] West, Irma, Occupational Disease of Farm Workers, Archives of Environmental Health, p. 92.

TABLE I

TOILET CONDITIONS	Total	%	AVAILABILITY OF DRINKING WATER	Total	%
Number of fields	70	100	Number of fields	67	100
Complete compliance	40	57	Complete compliance	40	60
Specific violations:			Specific violations:		
No paper	8	11	Hot water	2	3
No washing facilities	3	4	No cups	1	1
Unclean, unfit for use	6	9	Unclean	1	1
No toilets	13	19	No water	23	34

To substantiate our findings, we can quote from two other independent surveys that found conditions even worse than ours. In 1967, a report by the American Friends Service Committee Farm Workers Opportunity Project in California stated, "Every one of our counselor-interviewers reported a lack of field toilets....[1] Needless to say, handwashing facilities were even scarcer than field toilets. Specific violations included long distances to toilets, no paper, lack of adequate screening in the toilet area, rusty cans instead of paper cups, and simply an absence of any facilities whatsoever.

Another independent study was conducted by an OEO community worker from August 5-22, 1969 in Sutter-Yuba County.[2] Results are shown in Table II, and forcefully indicate the serious lack of compliance by farm growers of proper field sanitation conditions.

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1. Farm Workers Opportunity Project, Farm Workers and the Law - A Report on the Illegal Treatment of Farm Workers in California, p. 4.

2. Sutter-Yuba County Field Inspections: August 5 - August 22, 1969, unpublished.

TABLE II

SUTTER-YUBA COUNTY FIELD INSPECTIONS

TOTAL NUMBER OF FIELDS = 35

Complete compliance = 3
Substantial compliance (one violation) = 1
Substantial non-compliance (two or more violations) = 31

NUMBER OF WORKERS IN FIELDS

Total = 790 - 851
Males = 603 - 664
Females = 187

TYPES OF VIOLATIONS (no duplications)

1.	No toilet	10
2.	Toilet drained directly into fields	7
3.	Dirty toilet	10
4.	Toilet smelled	7
5.	Toilet but no paper	21
6.	Toilet not fly tight	12
7.	No handwashing facilities	21
8.	Water but no soap	7
9.	No drinking water and no individual cups	18
10.	Water but common cup	20

After ascertaining that there was a considerable lack of compliance concerning field sanitation, our next task was to understand the role of governmental enforcement agencies and reasons for their lack of efficacy. The results of interviews with Health Department officials and government pamphlets revealed these serious problems:

(1) There is a vast discrepancy between what independent surveys consider as compliance and what government officials consider as compliance. After receiving a copy of the Sutter-Yuba County Field Inspections, we called an official of the Sutter-Yuba County Health Department, who informed us that in 1969 there was 85% compliance with field sanitation regulations, and that in 1970 there was almost 100% compliance! The huge disparity in results reveals that the application of standards is not consistent and on the part of the government agencies does not reflect a rigorous application of the law.

(2) Enforcement procedures often take the form of reaction to specific complaints instead of on-going inspections, a method that is highly insufficient in enforcing adequate compliance. Workers often are afraid to register complaints for fear of reprisals on the part of growers. The results of the Beilenson questionnaire[1] (which is specifically involved with this problem) reveal that of the thirty-five local health departments

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[1] California Senate Committee on Public Health and Safety, Beilenson Questionnaire, April, 1969.

responding, eleven based their enforcement procedures solely on a complaint basis.[1] Furthermore, of these thirty-five departments, eighteen received no complaints and four departments received 81% of all complaints registered.[2]

(3) There is a large variation between local health departments concerning the number of inspections made and violations noted. In the Beilenson questionnaire, of thirty-eight local health departments responding, 6,529 inspections were made, of which 3,534 (or 54.0%) were made by only four counties![3] Of the 1,276 violations in toilet facilities, these same four counties (Fresno, Kern, Monterey, and Sutter-Yuba) accounted for 1,073 violations (84.1%).[4] Since these counties do not represent that high a proportion of farms within the state, it is safe to assume that many farms within particular counties are never being inspected.

(4) There are inadequate funds and manpower allocations to properly inspect and enforce state sanitation regulations. When asked in the Beilenson questionnaire what were the major problems in enforcement, seventeen of the twenty-nine health departments responded that "the number one problem relates to lack of manpower or funds to employ staff."[5]

To properly enforce existing field sanitation laws, which are a minimal requirement in the maintenance of acceptable health standards for the farm worker, a massive governmental effort must be made to increase funds, standardize inspection procedures, and apply just and rigorous interpretations to existing statutes. To sum up, I would like to quote from the California Farm Workers Health Service Annual Report 1967-68:

> "To us, it is intolerable that by law, certain basic rights are not to be accorded farm workers. It is just as intolerable that other rights and benefits which are accorded by law are not in actuality assumed by a large proportion of migrant farm workers and other poor, be it for reasons of a lack of enforcement of regulations, the outmoded mechanism of the system, or the inexperience and ignorance of the potential clientele."[6]

2. Occupational Health of Child Farm Workers and the Problem of Pesticide Usage

Available statistics fully document that agricultural labor is one of the most dangerous occupations in the state of California. In terms of disabling work injuries, agriculture was the third highest industry (with a rate of 68.7 per 1000 workers in 1963), exceeded only by construction (81.9 per 1000) and mineral extraction (70.2 per 1000).[7] Table III lists the total number of disabling work injuries in California for 1963, and the principal cause of the accident. A quick review reveals that most of these causative agents are exposed to child laborers as well as adults.

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[1] California Senate Committee on Public Health and Safety, *op. cit.*, p. 1.

[2] *Ibid.*, p. 2.

[3] *Ibid.*, p. 12.

[4] *Loc. cit.*

[5] *Ibid.*, p. 4.

[6] Bureau of Maternal and Child Health, California State Department of Public Health, *California Farm Workers Health Service Annual Progress Report 1967-68*, p. 10.

[7] California Department of Public Health, *op. cit.*, p. 5.

TABLE III

DISABLING WORK INJURIES BY AGENCY INVOLVED - 1963[1]

TOTAL	16,474
Vehicles	2,217
Working surfaces	2,113
Hand tools	1,764
Containers	1,671
Ladders	1,365
Animals, insects	1,208
Machines	1,155
Chemicals, hot, injurious substances	996
Trees, logs, lumber	758
Other	2,928
Agency not reported	299

As well as high rates of disabling work injuries, agriculture has the highest rate of occupational diseases of any industry.[2] The majority of the 2,982 reports of occupational disease in 1963 were for skin conditions (76%), followed by systemic poisoning (10%), respiratory conditions due to noxious agents (3%), and infectious and parasitic diseases (3%).[3] Of these 2,982 reports,

> "26 were fifteen years of age or under; one was only eight years old. Although children under sixteen are forbidden from working with harmful chemicals, 3 of the reports of occupational disease among children implicated pesticides and 2 of these were serious poisonings due to organic phosphate pesticides."[4] (For a full breakdown of occupational diseases of children under eighteen in 1963, see Table IV.)

Further evidence of this inflated occupational disease rate was offered by the United States Subcommittee on Migratory Labor in 1969, which stated, "Infective and parasitic diseases, diseases of the respiratory system, and digestive system diseases were from two to five times as large a proportion of the total conditions seen among migrants as among the general population."[5]

Besides the specific problems of a high rate of occupational disease among California agricultural workers, one must take into account the special effects

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[1] California Department of Public Health, op. cit., pp. 32-33.

[2] Ibid., p. 6.

[3] Ibid., p. 10.

[4] Ibid., p. 9.

[5] United States Subcommittee on Migratory Labor, op. cit., p. 28.

TABLE IV[1]

REPORTS OF DISABLING AND NONDISABLING OCCUPATIONAL DISEASE OF CHILDREN 18 YEARS AND UNDER, BY SEX
1963*

	Total	Men	Women
TOTAL	172	139	33
Infective and parasitic diseases	1	1	-
Skin conditions	123	95	28
Respiratory infections	-	-	-
Respiratory conditions due to noxious agents	8	8	-
Systemic effects of noxious agents	22	21	1
Digestive disorders and other symptoms attributed to noxious agents	7	6	1
Loss of hearing and other ear conditions	1	1	-
Effects of environmental conditions	7	5	2
Heart - circulatory system	1	1	-
Other and unspecified	2	1	1

*The results of these statistics are admittedly lower than actual conditions because they only include those workers covered by the California Workmen's Compensation Act, thereby excluding self-employed farmers and unpaid family workers.

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of such demanding labor on children. According to Dr. Charles Hendee Smith, professor of clinical diseases of children, College of Physicians and Surgeons, Columbia University,

> "long hours of tiring work--as in factories or in beet or cotton fields--is harmful to children in two ways. First, a child early in life must grow and gain weight. Agricultural labor such as the thinning, pulling, and topping of beets, picking of strawberries and cotton, and so forth, requires constant bending and stooping and frequent lifting. This excessive muscular activity expends the child's energy which should be used in the natural process of growth. Consequently, children who engage in such arduous labor become undernourished and undersized. Second, chronic fatigue lowers a child's resistance to disease. Infections, which are everywhere lying in wait for the growing child, can find an easy victim in those who are overfatigued and undernourished. Agricultural labor is also detrimental to children; it interferes with their educational progress. Such interference occurs when children of tender years are compelled to work in the fields in the afternoons, during the regular school term, rather than engaging in recreational or study activities characteristic of a normal educational experience."[2]

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1. California Department of Public Health, op. cit., p. 25.
2. United States Subcommittee on Migratory Labor, op. cit., pp. 78-79.

With this picture in mind, the problem of pesticide usage becomes all the more acute. As the California Department of Public Health points out, "occupational disease attributed to agricultural chemicals is considered one of the more serious occupational health problems in California."[1] (This statement is due not only to the number of incidences, but also to the increased seriousness of each incident--see Table V.)

TABLE V[2]

	Occupational Diseases 1963 All Causal Agents (18,060 = 100%)	Occupational Diseases 1963 Agricultural Chemicals Only (1,013 = 100%)
Not stated	11.0%	9.4%
No disability	61.7%	43.6%
Disability for work	27.2%	47.0%

In attempting to ascertain the effects of pesticide usage on children working in the fields, we asked each family in the survey if any of their children had suffered from illnesses in the last two years that they thought were due to pesticides. Since both the families and ourselves lacked specific medical knowledge, the connection between certain illnesses and pesticides could only be approximated. However, the results, as shown in Table VI, indicate that nearly

TABLE VI

FAMILIES WITH ONE OR MORE CHILDREN SUFFERING FROM ILLNESS DUE TO PESTICIDES IN LAST TWO YEARS

	Number	Percent
TOTAL NUMBER OF FAMILIES	75	100.
No illness	53	70.7
Illness	22	29.3
Respiratory	1	1.3
Skin rash	7	9.3
Irritated eyes	3	4.0
Stomach ailment	6	8.0
Not indicated	5	6.7

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1. California Department of Public Health, op. cit., p. 11.
2. Ibid., p. 10.

thirty percent of these survey families had one or more children suffer from diseases linked with pesticides. The conclusion is obvious--the child labor force that we encountered in California was definitely not a healthy population, and many of the existing health problems were caused by pesticide usage.

Again, as with sanitary field conditions, after ascertaining that conditions were unacceptable, we next attempted to analyze the role of existing governmental procedural and enforcement agencies. There were three basic problems:

(1) Existing regulations often do not take into account the powerful effects of pesticides, and are inadequate in offering protection to farm workers in the fields. One of the most important of these problems is the failure to recognize the lasting residual effects of pesticides; as three doctors of the California Bureau of Occupational Health point out,

> "it has not been so clearly recognized, however, that for many days or weeks after application of parathion spray formulations to agricultural field crops, resulting residues may constitute an important health hazard to agricultural workers."[1]

Sufficient waiting periods that take into account this residual effect should be established before farm workers can re-enter a field sprayed with pesticides.

(2) Knowledge of the times and places of pesticide applications, dangers involved, and effective remedies should be disseminated to farm workers as well as pesticide applicators and growers. Many serious illnesses could have been prevented by farm workers knowing the dangers involved and immediate remedies to pesticidal poisonings. There are two additional problems concerning the necessity of information distribution: (a) since many California farm workers do not speak English, information should be written in Spanish as well as English (this requirement should extend to pesticide labels as well as posted field precautions); (b) extra security should be taken to prevent children from entering fields, because posted notices will not effectively deter their entrance into dangerous areas.

(3) Effective sanctions on the part of the county agricultural commissioners are often lacking. For example, an administrative complaint by California Rural Legal Assistance states:

> "In 1968 in Riverside County... 66 complaints were filed with the county agricultural commissioner in which violations of law were alleged or may have been involved. In 63 of the cases, informal investigations were undertaken, but although the county agricultural commissioner admitted under oath that violations were uncovered in a number of those cases, no disciplinary action whatsoever was undertaken. In 3 of the cases in Riverside County, hearings were held. In only one of these cases did the Director suspend the registration of an applicant for 30 days, and in this, he later agreed to rescind this suspension. Total boxscore: 66 complaints, no disciplinary action taken."

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1. Milby, T. H., Ottoboni, F., and Mitchell, H. W., Parathion Residue Poisoning among Orchard Workers, p. 351.

In closing this section on health conditions of child farm laborers, it is crucial to understand the limitations in scope of our efforts. In dealing with sanitary field conditions and pesticide abuses, we are establishing only minimally acceptable standards for the farm labor community. In attempting to solve these problems, one must always keep in mind the vital difference between a community without disease and a healthy community. We must not simply work to eradicate conditions that produce disease, but strive to create environments that encourage and stimulate healthy lives.

PART III

APPENDICES

APPENDIX A

PROJECT OUTLINE

AMERICAN FRIENDS SERVICE COMMITTEE, INC.
160 North 15th Street
Philadelphia, Pa. 19102

CHILD LABOR IN AGRICULTURE

The situation of the migrants in our society is one with which the American Friends Service Committee has been concerned for several years. Within the last decade we have assisted migrants in California in building their own communities, obtain central services, obtain financing for houses which they themselves build. On the East coast we have studied the situation of those in the migrant stream and encouraged community service efforts in migrant settlements in Florida. Through all of these efforts we have been concerned not only with the economic framework within which migrants work but also with the effect on family life and the fact that it is now impossible for migrant children to receive the education which will enable them to become contributing members of society in the future.

One aspect of the total migrant situation is the factor of child labor in the migrant fields. Little factual knowledge exists about this situation. In cooperation with the National Commission on Migrant Education, the AFSC is proposing to place in the migrant areas of Oregon, Washington, Indiana, Ohio, Maine small teams of researchers who will obtain the needed factual information regarding the actual situation. Such material as is obtained will be correlated and published in the fall of 1970. It is hoped that this material will aid those who are seeking to better the conditions of the agricultural worker in the United States.

May 1970

AMERICAN FRIENDS SERVICE COMMITTEE, INC.
160 North 15th Street, Philadelphia, Pa. 19102

May 1970

CHILD LABOR IN AGRICULTURE

The Fair Labor Standards Act of 1938 outlawed industrial child labor within the United States. Thirty years later, in 1968, the U.S. Department of Labor reported that in spot checks in 31 states it found that 1,444 minors were illegally employed under the FLSA (236 were nine and under, 678 were between 10 and 13, 526 were between 14-15 years of age). Eight hundred of these children were below normal school grade level for their age. In 1970 there is still unregulated child labor in the United States. More than one fourth of this country's farm wage workers are under 16 (probably more than 800,000). Little information is available on just how many children are involved in the work on industrialized farms. Many of these children never appear on school census reports or employment records.

In 1969 reports of Federally supported educational programs revealed accommodations of school programs to child labor in such states as Arkansas, Tennessee and Texas. In White County, Arkansas for example, farmers are urged to cooperate with schools by dropping off their children at school after the day's picking is done and they are on their way to market. In Tennessee the entire Federal education program is geared to only preschool children so that the older ones may work. In Texas many children work during the school term. All across the country school authorities report consistently that summer programs conducted for migrant children rarely enroll any child over 12.

Agriculture is the third most dangerous industry. Congress has prohibited hazardous jobs in agriculture to those under the age of 16, but it does not remove babies and young children from the proximity to hazardous machinery in operation nor from contact with potentially toxic insecticides used on crops.

Child labor in agriculture shows up in its most oppressive form in those areas using migratory labor. Estimates of the number of working children of migratory laborers run as high as 300,000. Half of this number may work as regular contributors to the below-poverty-level incomes of their families.

The end result of child labor in agriculture on the industrialized farms is the same as that in the factory. Exhausted by too much work at too young an age, with too little food and too little rest, the child is deprived of a normal period of growth and education.

In recent years little effort has been made either by the government or private agencies to collect data on child labor. Those close to the legislative scene feel that unless new, up to date, documented and dramatic data can be collected there is little hope of extending the protection of the Fair Labor Standards Act to children in agriculture outside of school hours. A report on child labor is needed in order to dramatize to communities the need for ACTION in enforcing existing regulations and to prevent further exploitation of young children.

Because of their long established concern for the situation of the migrant worker within the United States, the American Friends Service Committee and the National Committee on the Education of Migrant Children will cooperate in a fact finding project concerning migrant child labor this summer. Selecting key locations in the states of Oregon, Washington, California, Indiana, Ohio and Maine, small teams of college students working under the direction of the American Friends Service Committee will gather documented facts concerning such questions as:

> Why are 800,000 or more children employed under such potentially harmful circumstances?
>
> How many children are there working? In what counties are they to be found?
>
> Do children receive the same wages as adults?
>
> Is child labor depressing farm wages?
>
> Is it clear that family situations are such that the children's income is needed?
>
> Is work depriving poor children of access to special educational, medical and food services usually supplied through the schools?

In the early fall of 1970 such information as is gathered in the several locations of the project will be correlated and published under the auspices of the AFSC and the Committee on the Education of Migrant Children.

This report will hope to furnish some of the hard facts in regard to the situation regarding child labor in the migrant fields as of summer 1970. It will be distributed to organizations and persons concerned with child welfare, migrant problems and problems of education among minorities within the U.S.A.

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Information to be collected

1. Incidence of child labor among migrants
    - a. Resident children during and after school hours
        - 1. on commercial farms
        - 2. on family farms
    - b. Migrant children during and after school hours
    - c. Preschool child
2. Reasons for child labor (probably obtained by informal interview)
    - a. Relation to labor supply and effect on use of adults
    - b. Wage scales and effect on minimum wage scales for adults
    - c. Community and/or family attitudes or customs
    - d. Poverty
3. Working conditions of child labor (obtained through observation)
    - a. Hours
    - b. Job-kinds
    - c. Wages
        - 1. Method of payment
        - 2. Amount
    - d. Transportation
    - e. Recruitment
    - f. Supervision
    - g. Field conditions- exposure to
        - 1. Insecticides and chemicals
        - 2. Machinery
        - 3. Water, sanitary facilities
4. Degree of compliance (basic material furnished)
    - a. Federal Child Labor Law
    - b. State Child Labor Law, if any
    - c. Compulsory school attendance

Methodology

The above data should be collected and documented by appropriate combinations of the following techniques:

1. Interviews (scheduled and informal: Taped where possible)
    - a. Parents
    - b. Health, education and welfare personnel
    - c. Children
    - d. Employers: Growers and crew leaders
    - e. Community leaders
    - f. Employment services (recruiters) to discover data on incidence of employment, attitudes, conditions, effects, etc.

2. Documented photographs
    - a. To show children at work: kind of work, ages, hours, etc.
    - b. To show transportation
    - c. To show working conditions
    - d. To show effect of work on health (i.e. injuries from accidents, fatigue, etc.)

3. Documented stories of accidents, educational and emotional problems resulting from child labor

4. Records
    - a. Wage scales - for children and adults
    - b. Work permits - regulations for and number issued (a and b can be obtained from Wage and Hour Offices)
    - c. School attendance - to show seasonal change among other things
    - d. Recruitment and employment records to determine availability of adult labor
    - e. Health records and/or medical records and statements
    - f. Education records
    - g. Text of child labor and school attendance laws
    - h. Records of investigations, summonses, penalties, compliance with
        - 1) Federal and state child labor laws
        - 2) Compulsory school attendance laws
    - i. Individual case or family histories, if relevant

5. Other
    - a. Studies on children relevant to child labor
    - b. Documented testimony of psychologists, physicians or other professionals who have studied children engaged in child labor
    - c. Reports of any Federally-funded programs which are scheduled so as to permit child labor
    - d. Descriptions or reports of programs which have been developed to combat child labor or protect children from abuses.
    - e. Newspaper clippings, photographs, stories, employment ads.

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WHERE - OREGON

The team working in Oregon will use as its base location Salem, where there are several people not only familiar to AFSC but supportive of its work among the agricultural sector of the North West. The key organization for the Oregon team will be Valley Migrant League.

John Little heads up the Valley Migrant League and has under him five Chicano assistants. As far as AFSC can tell, the leadership of the VML is trusted by the migrants and the League has their cooperation and support. At the moment the VML has a suit in court against growers who have not given them permission to visit in camps. They expect to win. John Little has suggested to our staff that our team work under their cover since this will give members some status both with the growers and with the migrants.*

Key counties in Oregon where migrants work are listed below--it will be essential to obtain information from as many of these locations as possible.

This list has been obtained from correspondence between the National Committee on Migrant Education and various state government officials. Its basis is the locations where there are federal school programs for migrant children.

COUNTIES (by Congressional Districts)	Towns where there are programs
DISTRICT I	
BENTON	
CLACKMAS	Aurora, Woodbury, Butte School Dis. 67J
COLUMBIA	
LINCOLN	
MARION	School Districts: Brooks #31, Gervais #76, Central #13J, Marion City, N. Marion #15, N. Santiam #126, Woodburn #103
POLK	
TILLANOOK	
WASHINGTON	Hillsboro District 7, N. Plains, Dis. 40
GAMHILL	
DISTRICT II	
UNION	Union, La Grande
BAKER	Baker, Ontario
DISTRICT III	
MULTOMAH	
DISTRICT IV	
COOS	
CURRY	
DOUGLAS	
LAKE	
LINNIN	
JACKSON	
JOSEPHINE	
JEFFERSON	Culver
YAMHILL	McMinnville #40, Dayton #8

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*The important areas in Oregon as far as migrant labor is concerned are: Hood River, Bend, Salem.

WASHINGTON

The labor force in Washington is 5% Indian, 50% Anglo, 40% Mexican American, 5% Negro. Key area for migrant labor is the Yakima Valley where AFSC has worked for several years. The team here will be based in the small town of Toppenish where the Mexican American Cooperative Store is situated, a group with whom AFSC has worked for several years. Also there is a Center for the Study of Migrant and Indian Education conducted by Central Washington State College. Ellen Cochran of AFSC works in the day care center operated by the State College group. The Director is Bob Ryan. Tomas Villanueva will be key contact in the Mexican American community.

Paul Lappala is the AFSC staff member cooperating with this program.

Beginning on June 26, the AFSC community service group will be working in Toppenish with the Mexican American Cooperative--officers of which will be good sources for orientation and information.

Key counties in Washington are listed below; it will be essential to obtain information from as many of these locations as possible.

The list was obtained by the National Committee on Migrant Education from state officials. It is based on locations reported to have federal school programs for migrants.

COUNTIES	TOWNS where there are programs
Northwestern Washington	
WHATCOM	Bellingham, Lynden, Edison, Nooksack Valley
SNOHOMISH	
SKAGIT	Burlington, La Conner, Mt. Vernon, Sears, Woolsey
Southcentral	
YAKIMA	Grandview, Granger, Highland, Mabton, Moxee, Naches, Sunnyside, Toppenish, Union Gap, Wapato, Yakima, Kiona
BENTON	
KLICKATAT	
Northcentral	
OKANOGAN	Omak, Oakville
CHELAN	Peschasten, Dryden, Cashmere, Entiat, Lake Chelan, Leavenworth, Wenatchee
DOUGLAS	
COLUMBIA BASIN	
GRANT	Moses Lake, Quincy, Warden, Ephrata
Central	
PIERCE	Bainbridge Island, Bremerton, Central Kilsap
KING	Orting, Puyallup, Summer
Southwestern	
FRANKLIN	Pasco, N. Franklin
WALLA WALLA	College Place, Walla Walla

OHIO-INDIANA

Fremont, Ohio will be the base of the team working in Indiana-Ohio area. An AFSC unit will be working with the Catholic Better Community Development Commission, Inc., a non-profit corporation of the Migrant Division (Title III) of OEO. The team investigating Child labor among migrant workers will live with this unit. Aurora Madrigal, head of Catholic Better Community Development, will be one of the principal contact people. Project headquarters is located at 1022 Garfield Street, Fremont.

Key counties in Ohio-Indiana are listed below; it will be essential to obtain information from as many locations as possible.

The list was obtained by the National Committee on Migrant Education from state officials. It is based on locations reported to have federal school programs for migrants.

COUNTIES	TOWNS where there are programs
OTTAWA	Benton, Carroll, Salem, Genoa, are local
MIAMI	Bradford Ex. Village, Tipp City
WOOD	Bowling Green-City
MERCER	Colwater Ex. Village, Parkway Local
ALLEN	Delphos City
FULTON	Evergreen-local, Pike, Delta, York
HANCOCK	Findlay City, McComb local, Lakota local
SANDUSKY	Gibsonburg Ex. Village
HENRY	Holgate-local, Patrick Henry Ridgeville-local
PUTNAM	Leipsic-Local, Pandora-Gilboa-local
STARK	Marlington-local
VAN WERT	Ohio City, Liberty-local
SENECA	Old Fort-local
WILLIAMS	Stryker-local

INDIANA

Counties where there are more than 500 migrants have school programs in the following counties:

COUNTIES	NUMBER OF PROGRAMS
LAKE	1
MARSHALL	3
MIAMI	2
HOWARD	
GRANT	2
TIPTON	2
CLINTON	2
MADISON	3
HENRY	1
HUNTINGTON	1
JAY	1

Counties where there are more than 100 migrants--less than 500

ST. JOSEPH	1
PULASKI	1
ALLEN	1
CASS	1
ADAMS	2
RIPLEY	1

Appendix B
(Attach. II)

EXCERPTS, FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED (1961 AND 1966)

CHILD LABOR PROVISIONS

Sec. 12(a) No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: Provided, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: And provided further, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

(b) The Secretary of Labor or any of his authorized representatives, shall make all investigations and inspections under section 11(a) (Regulations for inspections, investigations) with respect to the employment of minors, and, subject to the direction and control of the Attorney General, shall bring all actions under section 17 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor, and shall administer all other provisions of this Act relating to oppressive child labor.

(c) No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

EXEMPTIONS

(c) (1) Except as provided in paragraph (2), the provisions of Sec. 12 relating to child labor shall not apply with respect to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed.

(2) The provisions of Section 12 relating to child labor shall apply to an employee below the age of sixteen employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of sixteen, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(4) The provisions of section(s)....12 shall not apply to any homeworker engaged in the making of wreaths, composed principally of natural holly, pine, cedar, or other evergreens, including the harvesting of the evergreens or other forest products used in making such wreaths).

LEARNERS, APPRENTICES, STUDENTS AND HANDICAPPED WORKERS

(c) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by certificate or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in agriculture (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in agriculture during school vacations, at a wage rate not less than 85 per centum of the minimum wage applicable under Section 6 (not less than $1.30 an hour). Before the Secretary may issue a certificate or order under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(d) (1) Except as otherwise provided in paragraphs (2) and (3) (Refers to the handicapped.) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earnings or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under Section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid non-handicapped workers in industry in the vicinity for essentially the same type, quality and quantity of work.

MINIMUM WAGES

Sec. 6 (a) Every employer shall pay to each of his employees who in any workweek is engaged in commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: (5) if such employee is employed in agriculture, not less than $1 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1966, not less than $1.15 an hour during the second year from such date, and not less than $1.30 an hour thereafter.

EXEMPTIONS

(6) Any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agriculture labor, (B) if such employee is the parent, spouse, child or other member of his employer's family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent, and (iii) is paid at the same piece rate as employees over the age of sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or

(7) any employee to the extent that such employee is exempted by regulations, order or certificate of the Secretary issued under Section 14 (Student exemptions) or

(14) any agricultural employee employed in the growing and harvesting of shade grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process for use as cigar wrapper tobacco.

MAXIMUM HOURS

Sec. 7 (a) (1) Except as otherwise provided in this section, no employer shall employ any of his employees...for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half time the regular rate at which he is employed.

Exemptions

(b) The provisions of section 7 shall not apply with respect to

(12) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit or operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;...

APPENDIX C

EXCERPTS, STATE LABOR LAWS

WASHINGTON

Women and Minors Act

Declaration. The welfare of the state of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The state of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Conditions of employment - Wages. It shall be unlawful to employ women or minors in any industry or occupation within the state of Washington under conditions of labor detrimental to their health or morals.

Provided that (these) provisions shall not apply to (1) agricultural labor.

EXCEPTION

Industrial Welfare Order No. 5-62 - Effective March 1, 1962.

Food Processing Industry - Women and Minors

This Order shall apply to all women and minors employed in any industry engaged in the processing of fruit, vegetables, fish, shellfish, or any other products for the purpose of preserving them for food purposes for human or other consumption.

See attached Order.

Appendix C

OREGON

OREGON LAWS PERTAINING TO EMPLOYMENT OF CHILDREN: Chapter 653, Oregon Revised Statutes

Order No. 10: Wage and Hours Commission of the State of Oregon, pursuant to authority in it vested by Chapter 653 of the Oregon Revised Statutes.

I. No minor under 18 years of age:

  1. Shall be employed unless the employer shall first obtain a Proof of Age Certificate (Permit)....This section shall not apply to nonhazardous agricultural labor.

  2. May be employed at a wage less than sixty (60¢) an hour, except in those industries where the Wage and Hour Commission has by individual or special order established a different wage. This section shall not apply to agricultural harvesting on a piece work or unit basis.

  6. Shall be employed in any occupation more than eight (8) hours a day or more than forty-four (44) hours or six (6) days in any one week except as specified in Order No. 2, Canning, Freezing and Processing.

II. No minor under 16 years of age:

  1. May be employed to operate hazardous, power-driven farm machinery, including but not limited to tractors, hay balers, potato-digging, beet-digging and hop-picking machines, pea viners, combines, etc.

  2. May be employed in an occupation declared hazardous by the Wage and Hour Commission.

EXEMPTIONS

1. Minors...employed in non-hazardous occupations in agriculture are excluded from the provisions of this order.

Amendment to Order No. 10 - Effective May 15, 1968.

The following exemptions shall apply in addition to those exemptions now contained in Order No. 10.

3. A minor employed by the following relatives (whether by blood or marriage) does not need Proof of Age Certificate (Permit):

   Grandfather, Grandmother, Father, Mother, Brother, Sister, Uncle, Aunt.

In addition, no such certificate is required in the case of a minor living and working on a farm during summer vacation months by arrangement between the parents, or other person having custody or control of the minor, and the farmer or grower, if the parents and farmer or grower enter into a written agreement with the Wage and Hour Commission.

4. Minors under 16 years of age may operate a tractor of not more than 20 belt horsepower, so long as they do not perform tasks that are declared hazardous by the Fair Labor Standards Act.

5. Minors 14 and 15 years of age who are enrolled in an agricultural vocational education class conducted by 4-H Clubs, Future Farmers of America, or the Agricultural Education Division of the State Department of Education may obtain a permit to operate equipment or perform tasks not rated as hazardous by regulations under the Fair Labor Standards Act, if official notice of such training is presented with the application for a permit.

OHIO

MINOR LABOR REGULATION

HOURS OF EMPLOYMENT

School and Work Combined:

Minors under 16--school and work combined cannot exceed 9 hours.
Minors under 14--shall not be employed more than 4 hours in any one day.

Minors Under 18 Are Not Permitted to Work:

More than 8 hours a day; more than 48 hours in a calendar week;
More than 6 days in a calendar week.
Exceptions: In mercantile establishments minors 16 to 18 may work 10 hours on any one day of the week, and are permitted to work 10 hours on the days preceding: New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day and Christmas Day.

Working Hours for Female Minors:

Girls 16 and 17: Not before 7:00 A.M. and not after 9:30 P.M.
Exceptions: If school is not in session the next day they may work until 10:00 P.M.

Girls 14 and 15: Not before 7:00 A.M. and not after 6:00 P.M.

Working Hours for Male Minors:

Boys 16 and 17: Not before 6:00 A.M. and not after 10:00 P.M.
Exceptions: If school is not in session the next day they may work until 11:00 P.M.

Boys 14 and 15: Not before 7:00 A.M. or after 6:00 P.M.
Exception: If school is not in session the next day they may work until 10:00 P.M. if approved by local Superintendent of Schools.

Exemption Canneries:

No restriction as to hours of persons 16 or over engaged in canning or preserving farmers' perishable products during growers' harvest season.

Time Records for Minors Under 18:

Employers must keep daily time records showing the actual starting and stopping time of each work period and lunch. These records must be kept for 2 years.

Exemption of H.S. Graduates:

Any minor who has graduated from an accredited high school, or an Ohio Youth Commission special or vocational program, is exempt from the hours laws for minors and the prohibited occupation laws for minors.

Meal Periods:

At least 30 consecutive minutes for lunch within 5 hours of starting time.
Exception: Female Minors must be given one hour for lunch if a suitable lunchroom is not provided.

Presence of Child in an Establishment:

The presence of any child in an establishment during working hours shall be prima facie evidence of employment therein.

AGE AND SCHOOL CERTIFICATES

Every minor 14 to 18 years must be a holder of an Age and Schooling Certificate. This must be on file in establishment where minor is employed. Over-age Certificates may be issued to a minor over 18 years by the Superintendent of Schools. This serves as proof of age.

MISCELLANEOUS

Wage Agreement:

Employers of any minor under 21 years of age must give to minor, a written agreement as to wages or compensation he or she is to receive.

Withholding Wages Due a Minor:

No employer may withhold wages or a part thereof because of presumed negligence, failure to comply with rules, breakage of machines or alleged incompetence to produce or perform labor according to any standard of merit.

No female under 21 shall be engaged in employment that compels her to stand constantly.

No female under 21 shall be employed in the personal delivery of messages.

Exemptions:

A minor working on the farm of his parents is exempt from the law.

MAINE

ARTICLE 3. MINORS

Labor Laws of Maine, Revision of 1969

Sec. 771. Minors under 15.

The Maine law prohibits employment of minors under 14 in only 3 or 4 kinds of establishments.

No child under 15 is permitted to work during the hours that the public schools of the town or city in which he resides are in session. A child employed by, with, or under the supervision of either or both of its parents is exempted. So is a child employed in a school lunch program provided responsibilities are limited to serving food and cleaning up dining rooms.

Sec. 772. Minors under 18.

Minors under 18 are prohibited from working in those occupations declared hazardous by the Commissioner of Labor and Industry.

Exempted are those who are enrolled in public and private school programs where hazardous equipment has been installed for the purpose of instruction.

Sec. 774. Hours of Employment

Work performed in agriculture or any occupation that does not offer continuous year-round employment shall be exempt from this section provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Commissioner of Labor and Industry.

Sec. 775. Work Permits.

This section shall not apply to minors engaged in work performed in agriculture, household work or any occupation that does not offer continuous year-round employment.

Appendix C

CALIFORNIA

Child Labor Laws (1965)

No minor under 18 and over 16 who is required to attend school, and no minor under 16 shall be allowed to work without a permit.

Permits are not required for children employed in agricultural work on farms owned or operated by the parents or guardians.

No permit is required and there is no minimum age for employment of any minor at agricultural... labor during the time the public schools are not in session, or during other than school hours when the work is performed upon the premises owned, operated or controlled by his parent or guardian; however, children may not work at such occupations while the public schools are in session.

Minors 16 years old and over may be employed in agricultural... labor for more than 8 hours in any one day or 48 hours in one week.

No minor under the age of 16 shall be employed or permitted to work in any capacity in any occupation dangerous to the life, or limb, or injurious to the health or morals of such minors.

Minors under 16 are excluded from all occupations where such children come in the close proximity to moving machinery.

Every owner, tenant or operator of a farm employing parents having minor children in their immediate care and custody must post at a conspicuous place on the property, where it may be easily read, a notice stating minor children are not allowed to work unless legally permitted and unless permits to work have been secured.

Employers may pay minors 16 and 17 a minimum of $1.35 per hour; or on piece-rate.

Every employer hiring women and minors 16 years of age or over on a piece rate basis shall pay piece rates sufficient to yield not less than the hourly rates shown in (a) and (b) above to at least 80% of the women and 80% of the minors 16 years of age or over employed in each pay period.

(Industrial Welfare Commissions, Agricultural Occupations Order Number 14-68 effective February 1, 1968)

APPENDIX D

U.S. DEPARTMENT OF LABOR
Wage and Hour Division
Workplace Standards Administration
Washington, D. C. 20210

FACTS ON CHILD LABOR FINDINGS IN AGRICULTURE

July 1, 1969 through June 30, 1970

COVERAGE - The child labor provisions of the Fair Labor Standards Act apply generally to farmers whose crops or products go either directly or indirectly into interstate or foreign commerce.

PROVISIONS - A 16 year minimum age during school hours for the school district where the minor lives while employed and at any time in an agricultural occupation declared hazardous.

* No minimum age is set for work outside school hours except in an agricultural hazardous occupation.

* These child labor standards do not apply to minors working exclusively for their parents.

FINDINGS FROM INVESTIGATIONS - by the Wage and Hour Division in fiscal year 1970

Farms in violation	498
Children under 16 illegally employed	1,472
In nonhazardous jobs during school hours	1,380
In hazardous farm jobs at any time	92

Ages of the children	Age	Number	Percent
	14-15	564	38.3
	10-13	690	47.0
	9 and under	213	14.7

Migrant status	Local Children	Migrant Children
	699	773

SCHOOL GRADE ACHIEVEMENT AMONG CHILDREN FOUND ILLEGALLY EMPLOYED

All children reporting	Number[1]	Enrolled in grades below normal for their age	
		Number	Percent
All ages	1,401	799	57
Age 14	256	181	71
Age 15	268	205	76

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1. Does not total 1,472 as specific information not available for 71 minors.

Migrant children	Number	Enrolled in grades below normal for their age	
		Number	Percent
All ages	720	491	68
Age 14	120	103	86
Age 15	114	104	91

This report also included:

FACTS ON CHILD LABOR FINDINGS IN NONAGRICULTURAL EMPLOYMENT
July 1, 1969 through June 30, 1970